

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

* * * * *

ONE WISCONSIN INSTITUTE, INC.,
et al.,

Plaintiffs,

Case No. 15-CV-324-JDP

vs.

Madison, Wisconsin

May 16, 2016

GERALD C. NICHOL, *et al.*,

1:30 p.m.

Defendants.

* * * * *

STENOGRAPHIC TRANSCRIPT OF FIRST DAY OF COURT TRIAL
AFTERNOON SESSION
HELD BEFORE THE HONORABLE JAMES D. PETERSON

APPEARANCES:

For the Plaintiffs:

Perkins Coie LLP

BY: BRUCE V. SPIVA

RHETT P. MARTIN

700 Thirteenth Street, N.W., Suite 600

Washington, D.C. 20005-3960

Perkins Coie LLP

BY: BOBBIE J. WILSON

505 Howard Street, Suite 1000

San Francisco, California 94111-4131

Perkins Coie LLP

BY: CHARLES G. CURTIS, JR.

JOSHUA L. KAUL

One East Main Street, Suite 201

Madison, Wisconsin 53703

CHERYL A. SEEMAN, RMR, CRR
Federal Court Reporter
United States District Court
120 North Henry Street
Madison, Wisconsin 53703
1-608-255-3821

APPEARANCES: (Continued)

For the Defendants:

Wisconsin Department of Justice

BY: JODY J. SCHMELZER

CLAYTON P. KAWSKI

S. MICHAEL MURPHY

GABE JOHNSON-KARP

Assistant Attorneys General

Post Office Box 7857

Madison, Wisconsin 53707-7857

Also Present:

Heather Schultz

Rachel Roberts

Litigation Support - Plaintiffs

Matthew Kennedy

Litigation Support - Defendants

I-N-D-E-X

| <u>PLAINTIFFS' WITNESSES</u> | <u>EXAMINATION</u> | <u>PAGES</u> |
|------------------------------|------------------------|--------------|
| ANITA JOHNSON | Direct by Mr. Spiva | 3-36 |
| | Cross by Mr. Kowski | 36-49 |
| | Redirect by Mr. Spiva | 49-50 |
| NEIL ALBRECHT | Direct by Ms. Wilson | 51-90 |
| | Cross by Mr. Kowski | 96-115 |
| | Redirect by Ms. Wilson | 116-118 |
| REV. WILLIE BRISCO | Direct by Ms. Wilson | 121-136 |
| | Cross by Ms. Schmelzer | 131-141 |
| LINEA SUNDSTROM | Direct by Ms. Wilson | 143-159 |
| | Cross by Ms. Schmelzer | 160-167 |
| CARMEN GOSEY | Direct by Mr. Martin | 168-195 |

E-X-H-I-B-I-T-S

| <u>PLAINTIFFS' EXHIBITS</u> | <u>IDENTIFIED</u> | <u>RECEIVED</u> |
|-----------------------------------|-------------------|-----------------|
| Ex. 48 - - | 74 | - |
| Ex. 50 - - | 74 | - |
| Ex. 54 - Albrecht Table | 71 | - |
| Ex. 132 - 11/5/12 Albrecht Letter | 85 | - |
| Ex. 462 - Voter Certification | 77 | - |
| <u>DEFENDANTS' EXHIBITS</u> | | |
| Ex. 97 - Ballot Application | 102 | - |

1 (Called to order.)

2 THE COURT: All right. Why don't we proceed and
3 have the plaintiffs call the next witness.

4 MR. SPIVA: Yes, Your Honor. Plaintiffs call
5 Anita Johnson.

6 **ANITA JOHNSON, PLAINTIFF'S WITNESS, SWORN**

7 DIRECT EXAMINATION

8 BY MR. SPIVA:

9 Q. Good afternoon, Ms. Johnson. Would you state your
10 full name for the record, please?

11 A. Anita L. Johnson.

12 Q. Okay. And, Ms. Johnson, where are you from?

13 A. I'm from Milwaukee, Wisconsin, born and raised.

14 Q. And how old are you?

15 A. Do I have to say that?

16 Q. That's all right. I'll strike that question.

17 THE COURT: 25 years.

18 MR. SPIVA: I've been told I should never --

19 BY MR. SPIVA:

20 Q. Where are you employed, Ms. Johnson?

21 A. I work for Citizen Action of Wisconsin as a community
22 organizer.

23 Q. And how long have you worked for Citizen Action of
24 Wisconsin?

25 A. Eight and-a-half years.

1 Q. What do you do as a community organizer?

2 A. My job basically is to educate the public on the
3 changes in the voting rights, *Get Out to Vote* efforts,
4 register people to vote.

5 Q. And you mentioned education is one of your
6 responsibilities at Citizen Action. Can you describe for
7 me what types of education efforts that you engage in?

8 A. Well, two of the laws that affect us most is the
9 photo ID and registering people to vote. And I basically
10 talk about those laws, the changes in the laws, what's
11 expected of you when you go to the polls to vote with your
12 ID, what's expected of you when you register to vote and
13 what you have to have when you register to vote. People
14 are not aware of these changes, so I go step by step with
15 them.

16 Q. Mm-mm. And has the nature of that part of your job
17 changed at all over the last few years? Let me back up.
18 Has it changed since you've been with Citizen Action of
19 Wisconsin?

20 A. Yes, because when I first started generally I was
21 just educating people about their rights at the polls.
22 You know, if you don't speak English, you can bring
23 somebody in with you and it's legal to do that, those
24 types of things. They were small. But as the law
25 changes, it ballooned into something else. It took more

1 of my time to educate the public on the changes.

2 Q. And in terms of the education activity that you've
3 engaged in, can you describe what you actually do in terms
4 of presentations or where you visit, where you do the
5 education, that type of thing?

6 A. A lot of my education happens in churches on Sunday
7 mornings. I've developed relationships with a lot of
8 ministers in Milwaukee, Wisconsin. I ask for three to
9 five minutes on Sunday morning to talk about the changes
10 in the voting laws. I stay for the whole service so if
11 people have questions about the laws after the service,
12 then I can answer them, because I think it's rude to come
13 into the service and make an announcement and then leave.

14 Q. Three to four minutes, that's not a long time.

15 A. It's not a long time. But as the law changes -- the
16 more the law changes the more time that I take. However,
17 when the minister follows up what I say, it means that
18 I've done a good job on explaining what needs to be done.

19 So it may take a little more than three to five
20 minutes. That's what I ask for, but I've never been
21 stopped during my presentation. And in African American
22 churches, if you don't have anything to say they'll get up
23 and walk out on you, so you'd better have something to
24 say. You come in, you say it and you leave.

25 Q. And that actually was what one of my next questions

1 was going to be: can you describe the demographics of the
2 churches that you typically have spoken in?

3 A. I would say that 95% of the churches that I've gone
4 to are African American churches. However, I have been in
5 other churches: Presbyterian churches that are in African
6 American communities, white churches, Catholic churches.
7 I've been to a Hmong service and I've been to
8 Spanish-speaking services.

9 Q. And Hmong, I may not be pronouncing that right, is
10 that spelled H-M-O-N-G?

11 A. Yes.

12 Q. And is there a significant Hmong community in
13 Milwaukee?

14 A. Yes, there is.

15 Q. And how many presentations approximately have you
16 done over the years?

17 A. Hundreds. I don't know. You know, I can go to a
18 church every Sunday. I can do two presentation a Sunday.
19 I not only go into churches, I go into neighborhood
20 associations and do presentations. I make presentations
21 to the homeless. I've made presentations to sororities
22 and fraternities. Anybody that will give me a podium to
23 talk about these changes, that's where I am.

24 Q. And this work that you've done in terms of education,
25 voter education, have you done that as part of your duties

1 at Citizen Action?

2 A. Yes.

3 Q. Have you done them in any other context as well?

4 A. "Other contexts," such as?

5 Q. Let me be a little more clear. Have you done that
6 for other organizations?

7 A. No.

8 Q. I believe --

9 A. I represent -- I represent Citizen Action. We have
10 coalition partners --

11 Q. Mm-mm.

12 A. -- that might do canvassing. In the canvassing
13 they'll find out that people don't have ID, then they get
14 in contact with me and I follow up with those people that
15 don't have IDs. I've gone and the League of Women Voters
16 have encouraged me to go to certain places where they need
17 a presentation, if that answers your question.

18 Q. You go as Citizen Action?

19 A. Yes, I represent Citizen Action when I go.

20 Q. Let me ask you about voter registration efforts.
21 Have you been engaged in voter registration efforts?

22 A. I have been and I am still engaged in voter
23 registration. However, since the law has changed it's
24 been a little more difficult to register people because
25 now you need proof of residence when you're registering to

1 vote. And at one time I was able to register anybody in
2 the state of Wisconsin. But because the laws have
3 changed, I can only register people in Milwaukee County
4 where I took the test and Waukesha County where I took the
5 test.

6 Q. And the test you're referring to, is this the test to
7 become a special registration deputy?

8 A. Correct.

9 Q. So are you currently a special registration deputy in
10 Milwaukee and Waukesha?

11 A. Yes.

12 Q. And were you saying you had previously been a special
13 registration deputy statewide?

14 A. Statewide, yes.

15 Q. Does one have to take a test now in each municipality
16 or locality?

17 A. Each county, yes.

18 Q. I know you know where I'm going. Just so the record
19 is clear, let me get the whole question out.

20 A. Sorry.

21 Q. So does one have to take a test in each county that
22 one wants to become a special registration deputy in?

23 A. Yes. So I have to be careful if I'm at a festival or
24 any event. I have to make sure that the person that I
25 register is from Milwaukee County or Waukesha County.

1 Q. Do the registration laws differ from county to county
2 in Wisconsin?

3 A. The law is the same throughout the state.

4 Q. In your voter registration efforts have you
5 previously encouraged other people, such as members of
6 churches, to become special registration deputies?

7 A. Yes. I'd like to see the congregation be more
8 involved in civic engagement. And so I encourage them to
9 get a group of people together that can register people in
10 their church. Usually if I can get 10 to 12 people
11 together to say that they want to register people, I call
12 the Election Commission, they send the representative over
13 to train them, and so they can become special deputies and
14 then I train them on the Photo ID law.

15 Q. Mm-mm. Let me ask you, have you done any *Get Out the*
16 *Vote* work in your activities for Citizen Action?

17 A. Yes.

18 Q. Tell me about that.

19 A. We do *Get Out to Vote*. We hire canvassers. And the
20 canvassers, we have certain areas we get the names off the
21 van of people that are most likely to vote or people who
22 don't vote or people who only vote around the presidential
23 time and we hit those areas. We have the canvassers knock
24 on doors and remind folks of the upcoming elections or
25 rallies or any events that we're going to have and make

1 sure that they're registered of course.

2 Q. Mm-mm. Why do you do this work?

3 A. I'm passionate about people knowing their rights at
4 the polls. This is an effort that we fought for for a
5 long time. I spoke to an elderly woman who said she
6 wasn't paying anybody to vote. And I had to encourage her
7 that this is not what we want to do. We want to continue
8 to vote. "Is there any way I can help you so you can get
9 your ID so you can vote?" So I'm very passionate about
10 making sure everyone knows what they need to do when they
11 go to the polls to vote.

12 Q. Let me ask you -- I'm going to ask you a little bit
13 more about Citizen Action next. But just focusing on
14 yourself and your activities, have you engaged in any
15 partisan activities with relationship to the education,
16 *Get Out the Vote* and registration efforts that you do?

17 A. All my work is nonpartisan. I don't tell people who
18 to vote for. I encourage people to vote. That's what I
19 want. I want to see more people voting.

20 Q. So let me turn to Citizen Action for a minute,
21 Citizen Action of Wisconsin. Can you describe the
22 organization and what it does?

23 A. Citizen Action is a nonprofit 501(c)(3) organization
24 that deals with the issues of social and economic justice.
25 And they also are involved in voter registration,

1 Get Out to Vote and voter education.

2 Q. Do they do any activities around health issues?

3 A. Yes. They also work on health and the *Fight for 15*.

4 And these are things that I normally would be helping
5 with. But since the laws have changed, I solely just work
6 on voter education.

7 Q. When you first started with Citizen Action eight
8 years ago, did you only work on voting issues?

9 A. I did not. I did not. I helped with the jobs issue.
10 I helped with a lot of different things. But, no, I did
11 not just work with voting issues.

12 Q. But now, as I'm gathering, and tell me if this is
13 correct, that your focus is now either exclusively or
14 almost exclusively voting issues?

15 A. Exclusively voting issues, yes.

16 Q. Why has that focus changed to just exclusively voting
17 issues?

18 A. The law has changed. I have to educate these people.
19 Sometimes I can only make a presentation in the evening.
20 Sometimes I can only make a presentation on Saturday or
21 Sunday. My hours are a little bit longer but, you know,
22 that's the nature of the beast. So I spend more time
23 educating people about the changes in the law than I
24 normally would have done, say, eight years ago when I
25 started.

1 Q. How many people work at Citizen Action of Wisconsin?

2 A. I think we have about seven or eight employees.

3 Q. Mm-mm. And all those activities that you just
4 described that you engage in, I take it those are
5 activities that you engage in on behalf of Citizen Action?

6 A. Yes.

7 Q. Does Citizen Action engage in any type of poll
8 monitoring activity?

9 A. No, we don't. While I'm out in public I encourage
10 people to become poll monitors, tell them where to go or
11 sometimes I may have an application, have them fill it out
12 and then I take it down to the Election Commission.

13 Q. I'm going to ask you about some of those changes that
14 you talked about a little more specifically. First I want
15 to focus on changes to the hours for in-person absentee
16 voting. Are you aware of changes over the last several
17 years to the laws in terms of the availability of
18 in-person absentee voting?

19 A. Yes. I am very aware of it.

20 Q. Okay. And what are those changes?

21 A. There's no more weekend voting, one; and the hours
22 have been cut during the week.

23 Q. Have you ever voted yourself using early voting? I
24 know the formal name I guess is *in-person absentee voting*.

25 A. Yes. I normally do in-person absentee voting.

1 Q. And why do you do that?

2 A. Because I'm busy and I can just go in and vote and
3 come on out. I don't have to stand in line or anything.
4 I just go in and vote and come on out.

5 Q. And have you ever voted in-person absentee on the
6 weekend when that was available?

7 A. I did, I did.

8 Q. Would you vote that way again if it were available
9 again?

10 A. Yes. What we did was we had a rally and we marched
11 from that point downtown and voted early. So, you know,
12 if I come in with a group, naturally I'm going to vote
13 with them.

14 Q. Okay. And let me just maybe take a step back. You
15 were describing a rally that you had helped organize. Was
16 that when in-person absentee voting on the weekend was
17 still available?

18 A. Yes.

19 Q. And so tell me about that. What types of rallies did
20 you organize or participate in when in-person absentee
21 voting was available on the weekend?

22 A. We always encourage people to vote. And in order to
23 encourage them to vote you bring in big names to these
24 rallies so they will come. And we had Jesse Jackson come
25 in at one time. And, you know, they had these signs: *I am*

1 a man, I am a woman. We met in front of the Martin Luther
2 King statue.

3 We had a big rally, you know, how important it is for
4 you to vote and we're going to leave this place in front
5 of the Martin Luther King statue and we're going to march
6 downtown. We want everybody to come to vote. Usually we
7 might have a van from a high school marching with us to
8 make it exciting. So that's what we do, you know.

9 Q. And why --

10 THE COURT: Just to be clear, what days of the
11 week are you --

12 THE WITNESS: This is usually on a Saturday.

13 THE COURT: Any reason you couldn't do it on
14 Friday or in the evening?

15 THE WITNESS: No, there's no reason. But people
16 do work during the week. So we do get the people that
17 don't work to come on Saturday mornings and kids are out
18 of school to march in the band and those things.

19 THE COURT: Okay.

20 MR. SPIVA: Your Honor, actually, that was going
21 to be my next question.

22 BY MR. SPIVA:

23 Q. Are there reasons why you would want to do these
24 marches on the weekend?

25 A. Yeah, we can get more people on the weekend.

1 Q. Mm-mm.

2 A. The streets are clearer, you know. There are not
3 people going to work. We don't have to worry about the
4 traffic. Of course we have to get permission, and what
5 have you. But people are not going to work, so we don't
6 really have to worry about cars and where we're going to
7 park. There's a whole lot of logistics that we have to be
8 concerned with.

9 Q. Is there a way to describe the demographics of the
10 people who participated in those rallies when you were
11 able to hold them?

12 A. I believe there's a cross-culture of people because
13 we have union people coming, we have neighborhood people
14 coming, people of color. Sometimes we get the Hispanic
15 community, some members from that community to come over.
16 So that's usually a pretty good cross-culture of people.
17 But I still would say there's more African Americans
18 marching -- attending those rallies.

19 Q. And did you ever partner with other organizations in
20 putting those rallies on?

21 A. Yes, we have.

22 Q. What types of organizations, you know, such as
23 unions, or what have you?

24 A. The unions, MICAH, League of Women Voters, a lot of
25 our coalition partners we have partnered with. We can't

1 do it by ourselves.

2 THE COURT: What's MICAH?

3 THE WITNESS: MICAH is -- I forgot the acronym of
4 Reverend Brisco. It's a religious group.

5 THE COURT: Okay.

6 THE WITNESS: Mm-mm.

7 BY MR. SPIVA:

8 Q. Is it like the Milwaukee area kind of churches,
9 faith-based communities?

10 A. Faith-based group, yes. And they have their churches
11 and those churches join in with us.

12 Q. And so in terms of the economic demographics of
13 people who participate in those early voting weekend
14 rallies, is there a way you can describe the economic
15 demographics of the people who came?

16 A. I would say middle class, basically because of the
17 unions joining us and parents that come with their
18 children that are in the parades and that. I would say
19 it's pretty middle class.

20 Q. Mm-mm. Okay. Have you seen long lines during the
21 early voting period?

22 A. I have. But usually those long lines, it all depends
23 on what election it is. If it's a presidential election
24 the line is long. If it's a local election the line is
25 not long.

1 Q. Okay.

2 A. Or, you know, a recall election the line is long.
3 But if it's just a local election, the line is not that
4 long.

5 Q. How about on Election Day, do you observe long lines
6 on Election Day?

7 A. April 5th I decided to go to my own polling site to
8 vote because I wanted to see how the process was going
9 with photo ID and how the poll workers were handling
10 everything. And where it normally took me five to ten
11 minutes to vote at my polling site, it took me about 45 or
12 50 minutes because there was a line and a lot of
13 confusion.

14 Q. Mm-mm. Did you become aware of any reason or reasons
15 for the longer line?

16 A. I would say that one of the things that added to the
17 long line, the poll worker was taking the ID, putting it
18 down and they were comparing the address and then giving
19 it back to the voter.

20 When my turn came to vote -- and I was like, "Oh,
21 God, I've got to go through all this" -- what we're
22 supposed to do is give our name, our address. If you're a
23 registered voter they'll check off your name and then
24 they'll ask for your ID. So I gave her my name and I gave
25 her my address.

1 She says, "I have to see your ID." I held it like
2 this and she reached for it.

3 And I said, "You're not supposed to compare my
4 address to this polling list. I'm a registered voter
5 here."

6 And she said, "Well, I need to see the expiration
7 date on your ID."

8 And I said, "Here it is," and I put it back in my
9 purse.

10 Q. And have you become aware of people who have or
11 situations where poll workers were not trained on whether
12 they're supposed to compare the address on the ID?

13 A. I don't think it's that the poll workers are not
14 trained; I think they're being overly cautious and they
15 don't want to make mistakes.

16 Q. Okay. You mentioned speaking at churches to answer
17 questions -- I'm sorry, and answered questions I think
18 after church sometimes. What did you find about the
19 awareness of people in the churches where you answered
20 questions about the changes in the law?

21 A. Voting is not always a priority in people's lives.
22 So the information that I brought to the church, people
23 were very very happy that I brought this information in.
24 I gave them a lot of information that they were not aware
25 of. And they came to me to say, "Oh, thank you, so much,

1 because I didn't know we could do this" or "I didn't know
2 this was happening." And that's one of the things I want
3 to stop.

4 You should be able to go in and vote and leave. You
5 shouldn't have to say, "Oh, when did they change this?"
6 You know. So they were very happy that I came in to give
7 the information. And then there were other questions
8 about, "Well, where can I get an ID? I don't have a birth
9 certificate." that kind of --

10 Q. Can you provide an example that people weren't aware
11 of that you made them aware of through your education
12 efforts?

13 A. The poll worker is not to compare your address to the
14 polling list. I did say that. And one young lady went to
15 the polling site on Election Day and was challenged about
16 her address. And she said, "Well, you know, Ms. Anita
17 gave us this presentation and she said you're not supposed
18 to compare the address." And she said, "Thank you,
19 Ms. Anita." And she put it on Facebook.

20 So, you know, that made me feel good that people are
21 listening to what you say. If you're addressing a group
22 of people and you look out in the audience and people are
23 down doing this. But people seem to be very attentive
24 when I do my presentation because it's information they've
25 never heard before.

1 Q. What else have you experienced in terms of challenges
2 that the individuals that you've worked with have
3 experienced due to the changes in the Voter ID law?

4 A. I've gone to the Veterans Homeless Shelter to speak
5 to the vets -- and this was before they changed the law
6 again, but now you can use a vet ID as an ID at the
7 polling site -- to encourage -- to see if anybody at the
8 homeless shelter needed help getting an ID.

9 And I did find a couple of veterans there that needed
10 advice on how to get an ID at the DMV. I did take one of
11 the vets to the DMV to get an ID and I stayed with him and
12 advocated for him through the whole process because people
13 don't always understand what's happening at the DMV. They
14 don't understand that you have to petition to get your
15 birth date and birth place verified.

16 So we did that and that -- we did that in November.
17 And he got a letter in December saying that it had been
18 denied. And so then I called. He told me about the
19 letter and then I called the clerk at the DMV and asked
20 him, what did we need to do next.

21 So I helped this person to recreate their life as --
22 from primary school up through high school: where he was
23 born, what hospital he was born in, what primary school
24 did he go to, when did he move out of his state to another
25 state. We got all that information together and I sent it

1 over to the DMV.

2 The DMV sent him another letter saying they found
3 somebody with his information, but the first name didn't
4 match.

5 And then I said, "Well, is there a different name on
6 your birth certificate?"

7 And he said, "Yes. The midwife misspelled my name."

8 And so I called the --

9 Q. Where had this gentleman been born?

10 A. I believe he was born in Alabama. And I called the
11 DMV and said the first name had been misspelled.

12 And then they said, "Well, if he doesn't have any
13 other documents with that misspelled name on, we can't
14 give him an ID."

15 And I was like, "Well can't you check something
16 else?"

17 And that's why it's so important to have an advocate,
18 because this person wouldn't have known to ask him that.
19 And he did some checking and the very first form that he
20 filled out had the misspelled name on it, so he was able
21 to get an ID. That took four months.

22 Q. And have you had other experiences like that with
23 other individuals that you've helped?

24 A. I have.

25 Q. Let me ask you about the change in -- well, let me

1 just ask you one more question about that. Why was it
2 that the gentleman you were helping couldn't do all that,
3 accomplish all of what you said without your help?

4 A. Most people are not going to go through those
5 changes. I mean, a lot of people -- we just had Cassandra
6 here who didn't understand the forms. So I feel it's
7 important not to just direct a person to the DMV, but to
8 go with them to make sure they understand everything that
9 they have to do.

10 Q. And has that become a larger part of your work since
11 the changes in the voter ID laws?

12 A. It's not a larger part of my job, but I do do it.

13 Q. Is that something you had to do before the Voter ID
14 law?

15 A. No, I did not do that before the --

16 Q. It came into effect?

17 A. It came into effect, yes.

18 Q. Okay. Let me ask you about the change in residency
19 requirements. Are you aware of changes in proof of
20 residency requirements -- strike that. Are you aware of
21 changes in the residency requirements in terms of length
22 of time one needs to --

23 A. Sure. Before the law was changed you only had to
24 live in your residence for ten days to vote at the polling
25 site in your neighborhood. Now it's 28 days. If you

1 moved and you lived in your residence for 28 days or more
2 you can vote at the polling site in your neighborhood. If
3 it's 27 days or less you go back to your old polling site
4 to vote, but you still have to change your address.

5 I spoke to a group of women who thought it was
6 against the law. And I was like, "Nope. That's the law.
7 That's what they said."

8 Q. What is it that they thought was against the law?

9 A. Going back to the old polling site to vote.

10 Q. Please, I interrupted you, so you go ahead.

11 A. I said, "No, it's the law. This is what you do. If
12 it's 27 days you go back to your old polling site. You
13 don't have to have a long conversation. Go in, give them
14 your name, give them your address and vote, done."

15 Q. And how has this affected, you know, your work in
16 terms of *Getting Out the Vote* and the like, the changes to
17 the length of residency requirements?

18 A. A lot of organizations used to have voter drives and
19 be able to stand in front of stores and just ask people,
20 "Are you a registered voter?" And the answer is "yes" or
21 "no." If it's "no," we can register them on the spot.
22 Now they have to have proof of residence. And if they
23 don't have that proof with them, they cannot register to
24 vote.

25 Q. Okay. And I want to get to that in just a minute.

1 But just to make sure we've fully covered the change in
2 the time in terms of 28 days versus 10 days, have you
3 experienced people who have run into issues because of the
4 change in the residency requirement?

5 A. Sure. Well, if you've moved from the east side of
6 Milwaukee to the west side of Milwaukee and you've been
7 there for 27 days and they tell you, "You can't vote
8 here," I've seen people say, "Well, I'm not going all the
9 way back there," or they don't have transportation to get
10 back. It's after work, they have to get home, they just
11 don't feel like doing it. So we lose voters that way.

12 Q. So then I want to turn to what you started to talk
13 about a minute ago, which was the new proof of residence
14 requirements. Can you tell me about that?

15 A. You have to show proof of residence. And usually you
16 can show a phone bill, a gas bill, you can pull up your
17 phone and bring up your bank account, as long as you have
18 something with your address to prove that you've lived
19 there, or it will be at least 28 days by the time the next
20 election happens.

21 Q. And how has that affected your work or the people
22 that you work with?

23 A. Well, people who don't -- and you can also -- I'm
24 sorry, you can also use an ID to show your address. And
25 this is one of the problems that people are confused

1 about: for the photo ID, when you go to the polls to vote,
2 that address does not have to be valid. But if you use
3 that ID to register to vote, that address has to be valid.
4 And that causes another bit of confusion.

5 Q. And have you spoken to people who have been confused
6 about that?

7 A. Yes. People -- this whole photo ID and voter --
8 registering to vote is confusing. People, a lot of -- I
9 got a lot of calls because people thought there was a
10 voter ID. There is no such thing as a voter ID. It's a
11 photo ID. When you go to the polls to vote, they are to
12 look at your face and your name, that's it.

13 Q. Mm-mm.

14 A. So I'll tell people, "Well, do you have a valid
15 Wisconsin driver's license?"

16 And they'll say, "Yes."

17 And I say, "You can use that to register to vote or
18 you can use that at polls for an ID."

19 Q. Let me just ask you -- this may be changing subjects
20 a little bit, although it may also relate -- have you
21 spoken to senior citizens?

22 A. Absolutely.

23 Q. And are there particular issues that you've
24 encountered, in terms of any of the changes in the laws,
25 in your work doing that?

1 A. Yes. A lot of senior citizens don't have a birth
2 certificate.

3 Q. Was there a Mr. Melvin I believe that you helped?

4 A. Yes. In 2/'11 when the photo ID first came up --
5 when I give out information to the public I want to make
6 sure it's the correct information. So I felt a need to
7 take someone to Vital Records to get their birth
8 certificate so I would know each step they have to go
9 through so in case they want to ask me any questions I
10 could tell them what was going on.

11 And Mr. Melvin was over 80 at the time. I took him
12 to the courthouse to get his birth certificate. We filled
13 out the form and the clerk told us that his birth wasn't
14 registered. They had no records of him. Mr. Melvin then
15 told me the story that his mother never married his
16 father, he had a stepfather, and that the mother took the
17 name of the stepfather and gave it to him, never
18 registered his birth, so therefore there was nothing he
19 could do.

20 Now, what they told us at Vital Records was again we
21 have to recreate from him being a young man all the way
22 up. Well, he had nothing. He had absolutely nothing. So
23 Mr. Melvin could not vote because there was nothing else I
24 could do for him at that point.

25 THE COURT: Was Mr. Melvin born in Wisconsin?

1 THE WITNESS: Yes. He was born in Milwaukee,
2 Wisconsin.

3 BY MR. SPIVA:

4 Q. Were you ever able to help him get an ID?

5 A. No.

6 Q. What effect will the changes in the voting laws have
7 on your -- sorry. I should say, what effect have the
8 changes in the voting laws had on your Citizen Action
9 work?

10 A. I work more. My effort is spent on photo ID and
11 voter registration and *Getting Out to Vote*.

12 Q. Mm-mm. Have you observed whether the state has done
13 any outreach efforts to explain --

14 A. Unfortunately the state has not gotten any money to
15 do outreach efforts about photo ID. I feel that things
16 could have been put on the side of a bus and bus stations,
17 on the radio, so people could have known about photo ID.
18 I'm only one person. Perhaps our coalition partners only
19 have one person working on this. There's only so much we
20 can do.

21 However, I do talk to the GAB workers a lot and I do
22 talk to the Election Commission to see what their -- if
23 they do any posters or fliers to see what they're saying
24 so our message is consistent throughout the state.

25 Q. Mm-mm. Do you have an understanding that -- I know a

1 minute ago you were talking about special registration
2 deputies -- do you have an understanding that the state
3 has announced its intention to do away with SRDs
4 altogether?

5 A. Yes.

6 Q. What effect will that have on your Citizens in Action
7 work?

8 A. I believe they want to do online registration -- and
9 we all know everybody doesn't have a computer, everybody
10 doesn't have a printer in their house -- because now, as I
11 understand it, and I could be wrong, you have to send in
12 your actual document of proof of registration with your
13 registration form. And this, for me, if I may say, is
14 voter suppression, clear and simple, because people will
15 not be able -- a lot of people will not be able to
16 register online.

17 Q. What types of people are you thinking about, in terms
18 of your experience with people, who might not be able to
19 register online?

20 A. The homeless, low income, people of color.

21 Q. Have you done any work in the high schools recently?

22 A. I have. I go through the League of Women Voters and
23 I am a member of the League of Women Voters. They go into
24 high schools and register young people that are 17 and
25 will be 18 by the next election so they're registered to

1 vote before the election. At that point I take the
2 opportunity to make sure that they have an ID so they can
3 vote as well.

4 Q. Has the discontinuation of special registration
5 deputies in high schools had an impact on that work?

6 A. When they start online voting, yes, unless the school
7 decides that they're going to let their students use the
8 computers to register online.

9 Q. Let me ask you, are you aware of the changes in the
10 distance that poll monitors must maintain between
11 themselves and the voters that have occurred?

12 A. Yes. I think it's three to six feet. I'm not sure
13 about that.

14 Q. Do you know if it's gotten closer or further?

15 A. It's gotten very close. Three feet is not a lot of
16 distance between the poll worker and I think it's
17 intimidating to the voter.

18 Q. Have you had an experience with that?

19 A. I did. I went to one polling site and there was this
20 guy just hovering over the poll worker. And, you know, I
21 didn't say anything at first. I was an observer that day.
22 And finally I just had to say something. I was like, you
23 know, "You're standing too close. You're supposed to be
24 three feet back."

25 Q. Was this before the change in the law? Was it three

1 feet or six feet?

2 A. This was before the change in the law. This was
3 before the change in the law. And he wanted to know who I
4 was. I told him. Didn't make a difference. He moved
5 back.

6 THE COURT: Can you explain a little bit more
7 about how it was -- so he was hovering over the voter?

8 THE WITNESS: Yeah. The poll worker is here and
9 he was like this. And I was like, "That's too close."

10 THE COURT: Like leaning on the table?

11 THE WITNESS: Yeah. Right.

12 BY MR. SPIVA:

13 Q. Now, last area of questioning for you.

14 THE COURT: Again to finish up on that a little
15 bit, so was that intimidating to the poll workers or the
16 voters?

17 THE WITNESS: It's intimidating to the poll
18 worker because now they're afraid to say anything, because
19 he was an observer like I. It's intimidating to the
20 voter.

21 The voter doesn't know that these are open records.
22 You know, you have to say your name out loud and they can
23 hear you. So, you know, the voter is like, "Who's this
24 guy? Why is he standing over me and why does he have to
25 know my name and telephone and address?" So it's

1 intimidating on both counts.

2 THE COURT: Well, even if the distance were
3 greater, the person's name would still be heard.

4 THE WITNESS: Yes. It's open records.

5 THE COURT: I guess I'm just trying to get a
6 handle on exactly what the intimidating part is. Is it
7 just people being in your space or is it -- because I mean
8 what I'm getting at here is it seems --

9 THE WITNESS: When I didn't know the law I
10 thought all I had to do was just come to the poll worker,
11 give him or her my name and address and be done. If
12 someone was standing behind him looking at me, I would
13 wonder, who is this guy -- He's in my space. I'm here to
14 vote. I'm giving my name and address. Why is he
15 listening to everything I'm saying? -- not knowing that
16 they're an observer, that they can hear what you say and
17 that, so it is intimidating to the voter.

18 THE COURT: But there are organizations who make
19 a point of monitoring elections to insure their
20 integrity --

21 THE WITNESS: Absolutely.

22 THE COURT: -- and so poll observations --

23 THE WITNESS: Absolutely. So that's why you stay
24 your distance. The poll worker should have said to him,
25 "You need to step back three feet." That's what should

1 have been done.

2 THE COURT: Now, the new law provides for three
3 feet, so it's three feet. Is three feet enough?

4 THE WITNESS: In my opinion? Are you asking my
5 opinion?

6 THE COURT: I guess I am.

7 THE WITNESS: No.

8 THE COURT: I mean, you've seen it.

9 THE WITNESS: No.

10 THE COURT: I mean, how would you describe how
11 somebody is hovering over in a way that would violate even
12 the new law, which has the narrower *buffer zone*, we'll
13 call it, three feet? So I'm sure the poll workers,
14 voters, maybe would be more comfortable if they were out
15 in the parking lot outside.

16 THE WITNESS: Well, not that far.

17 THE COURT: But at least the three feet would
18 address the situation that you describe.

19 THE WITNESS: Well, you know, if that's the law,
20 the three feet, then stay at three feet.

21 THE COURT: Okay.

22 THE WITNESS: Okay.

23 BY MR. SPIVA:

24 Q. And I'm going to wrap it up here now, Ms. Johnson.
25 Can you just tell us how, collectively, these changes in

1 the voting laws over the last few years have impacted your
2 work trying to educate, register and *Get Out the Vote*?

3 A. Well, you know, it's made my days longer. I'm not
4 able to work on any other issues at Citizen Action that I
5 might have been able to work on. But I enjoy what I'm
6 doing and I hope it's for a positive effect. So, yeah, my
7 hours are longer, I'm out there more, but it's what I do.

8 Q. If you weren't doing that work that you need to do
9 because of the changes in the law, would you be doing
10 other work for Citizen Action?

11 A. I would.

12 Q. And never trust a lawyer who says he only has one
13 more question. How, in your experience and observation,
14 have the changes in the laws affected the voters that you
15 work with?

16 A. They're very confused about the change. Some people
17 get it right away. They get it -- you know, I've got an
18 ID, I've got a driver's license, I've got a passport, I
19 have a veterans card -- some of them get it right away,
20 others don't -- and when they come in, they still don't
21 know what to do.

22 Q. Have you observed or have you learned of individuals
23 through your work who were not able to vote because of
24 some of these changes in the law?

25 A. Not personally. I don't know anybody personally.

1 I've seen people not vote because of the resident rule if
2 I'm there observing. I know that some people cannot vote
3 because they forgot to bring an ID with them because I was
4 there observing and saw it.

5 THE COURT: I thought Mr. Melvin wasn't able to
6 get an ID to vote.

7 THE WITNESS: Pardon me?

8 THE COURT: You said you didn't know anybody
9 personally, but I thought Mr. Melvin was --

10 THE WITNESS: That was in 2/'11, 2011 that that
11 happened.

12 THE COURT: So we're talking about a different
13 time frame?

14 THE WITNESS: Yeah. I think we're back up to
15 2016.

16 MR. SPIVA: What I meant actually I think, Your
17 Honor --

18 BY MR. SPIVA:

19 Q. I actually meant to be more inclusive than that,
20 Ms. Johnson. And I'm not limiting it to people that you
21 know personally. But just in your work and experience,
22 you know, working with voters, observing voters, have
23 you --

24 A. Okay. Mr. Melvin, yes. I know at least three to
25 four people that were not able to vote because they didn't

1 have a birth certificate in time for the elections.

2 Q. And in terms of -- a minute ago you mentioned
3 something about observing people walking away I believe.
4 Can you tell us about that?

5 A. Well, if they don't have an ID, they can't vote. And
6 the poll worker, rightfully, will tell them, "If you don't
7 have an ID, you can't vote."

8 Sometimes they're given a provisional ballot. And
9 with the provisional ballot you have to go to the Election
10 Commission at least by Friday of the week of the
11 election -- I think before five o'clock, I'm not sure on
12 that -- and, you know, bring your ID.

13 Usually in Milwaukee we only get about two or three
14 people getting a provisional ballot during elections. But
15 I think this time we had 48 or 49 people that got
16 provisional ballots because of photo ID. And I want to
17 backtrack and say maybe there was only 45 of the 49 that
18 were given provisional ballots because they didn't have
19 IDs.

20 Q. Do you know how many of those ultimately, those
21 provisional ballots, ultimately were counted? That's okay
22 if you don't know. I'm not asking you to guess.

23 THE WITNESS: Can I have some water?

24 THE COURT: Yes.

25 A. No, I don't know.

1 MR. SPIVA: Thank you, so much, Ms. Johnson.
2 Appreciate your testimony.

3 THE COURT: Now you get cross-examination with
4 that.

5 THE WITNESS: Am I supposed to jump for joy?

6 THE COURT: Well, it means you're closer to being
7 done.

8 CROSS-EXAMINATION

9 BY MR. KAWSKI:

10 Q. Good afternoon, Ms. Johnson. I'll let you pour your
11 water.

12 A. Thank you.

13 Q. All right. It's good to see you again. You and I
14 talked at your deposition on April 13th, correct?

15 A. Correct.

16 Q. I'm just going to ask a few follow-up questions of
17 you. You were just talking about the number of people
18 that you personally witnessed not being able to vote
19 because of voter ID, right?

20 A. Right.

21 Q. And it was a total of three or four?

22 A. Mm-mm.

23 Q. Would that be for the April 2016 election?

24 A. Mr. Melvin definitely, yes. There were a couple of
25 other people that I took to the DMV that did not have a

1 birth certificate and they didn't get their IDs. I
2 followed up with Nefertari last week because she finally
3 got an ID. So these were people that I took to the DMV to
4 get an ID.

5 Q. Okay. And this Mr. Melvin, is that his first or last
6 name?

7 A. That's his first name.

8 Q. Okay. Is his name Melvin Robertson maybe?

9 A. Mm-mm.

10 Q. Okay. And so again the total of people that you
11 witnessed that did not have an ID and could not vote was
12 three or four?

13 A. Yes.

14 Q. Okay.

15 A. That I know personally. But then I saw people at the
16 polling sites get turned away because they didn't have an
17 ID.

18 Q. What was that total number of people that you saw get
19 turned away?

20 A. I don't know the total number.

21 Q. Could you estimate?

22 A. No.

23 Q. We went through this exercise in the deposition. Was
24 it more than 20?

25 A. Well, I went to about ten polling sites and maybe I

1 saw two or three people at every other polling site.

2 Q. Okay. So maybe 20 to 30 total?

3 A. Maybe 20 or 30 maybe.

4 Q. And that was in the whole day on Election Day April
5 2016?

6 A. Yes, yes.

7 Q. Okay.

8 THE COURT: I'm just going to instruct the
9 witness and counsel just to make sure you don't talk over
10 each other. It's almost like a conversation, but not
11 quite. You have to wait until the question is completely
12 finished.

13 MR. KAWSKI: I think we're too friendly.

14 THE COURT: Refreshing, but let's try not to talk
15 over each other anyway.

16 BY MR. KAWSKI:

17 Q. You talked about some coalitions that you work with,
18 right?

19 A. Yes.

20 Q. And is one of those organizations called *Election*
21 *Protection*?

22 A. Yes.

23 Q. What is Election Protection?

24 A. Election Protection is a group of observers that go
25 around on Election Day and sit at the polling sites to see

1 how the process is going during the election, make sure
2 they have the signs up, make sure the poll workers are
3 standing three feet away; you know, those things; make
4 sure that it's a smooth --

5 THE COURT: Poll observers?

6 THE WITNESS: Poll observers. Sorry. Thank you
7 for that.

8 A. Those types of things.

9 Q. And you volunteer with Election Protection?

10 A. I do.

11 Q. And part of your work as volunteer is that you carry
12 around a cell phone and are sort of on call on Election
13 Day?

14 A. Not -- no.

15 Q. No?

16 A. No.

17 Q. So do you use the cell phone though to work for
18 Election Protection to take calls from voters who are
19 having trouble with voter issues?

20 A. Yes, I do take calls from voters. During the April
21 5th election the only people that called me were people
22 that knew me on a personal level and knew that I was out
23 doing this work during the day and they called to report
24 some problems that they saw.

25 Q. And so on April 5th for the 2016 election you only

1 took one call the entire day relating to someone that
2 lacked a photo ID; is that right?

3 A. No.

4 Q. That's not right?

5 A. No, that's not right.

6 Q. Okay. What is the correct number of how many calls
7 you took like that?

8 A. I had taken about five or six calls that day, but
9 they were different calls relating to voter registration
10 and photo ID.

11 Q. Just so I'm clear, in your deposition I asked you the
12 same question and you said that you only took one call; is
13 that right?

14 A. Yeah. And I remembered the other calls that I took
15 just now.

16 Q. Okay. Just so the record is clear, did you only take
17 one call that day about voter ID?

18 A. I took -- I can't remember if I took one or two calls
19 for voter ID. It might have been two.

20 Q. Okay. And then for the February 2016 election voter
21 ID was also in effect?

22 A. Very small scale.

23 Q. Okay. And that same -- you were also working as a
24 volunteer for Election Protection for February 2016?

25 A. Yes.

1 Q. And you had the cell phone with you again then?

2 A. Yes.

3 Q. And you again only took one total call about voter
4 ID?

5 A. One call that day, yes.

6 Q. Okay. You talked about the three to eight-foot rule
7 for observers?

8 A. Yes.

9 Q. Is it your understanding that the election
10 official -- chief election inspector can tell people to
11 stand anywhere within that three to eight-foot range?

12 A. Yes.

13 Q. So if they want them to stand at eight feet, the
14 election inspector can say, "Stand at eight feet"?

15 A. Yes.

16 Q. And so the situation you described was before -- the
17 incident that you described where someone was hovering,
18 that was before the three to eight-foot rule?

19 A. Yes.

20 Q. What was the rule then, was it six to nine feet?

21 A. Yes.

22 Q. Excuse me. Six to twelve feet?

23 A. Six to twelve feet.

24 Q. So under either version of the rule, the hovering
25 problem would have been violating the rule?

1 A. Yes.

2 Q. In that situation the chief inspector could kick that
3 person out?

4 A. Yes.

5 Q. You did not speak to the chief inspector during that
6 incident?

7 A. No, I did not.

8 Q. If you had, it's possible the chief election
9 inspector would have kicked that person out?

10 A. Possible. From -- I think that person had been
11 giving problems all day and was annoying everybody and
12 people were just like afraid to say anything to him.

13 Q. Okay.

14 A. So I took it upon myself to say it.

15 Q. You talked about the new online voter registration,
16 correct?

17 A. Yes.

18 Q. And I just want to make sure it's clear. Is it your
19 understanding that online voter registration would
20 eliminate paper registration?

21 A. Yes.

22 Q. So after online voter registration goes into place
23 there will be no way to register by paper?

24 A. I don't think so.

25 Q. Okay. So you will not be able to use the GAB 131

1 Form after that?

2 A. No, I don't think so.

3 Q. What is the basis for your understanding of that law
4 change?

5 A. I don't know.

6 Q. Okay. And you talked about individuals who may have
7 had problems with the 28-day change from the 10 to 28
8 days, right? Can you tell the Court how many people like
9 that you ran into with that problem?

10 A. With the change of 28 days?

11 Q. Yes.

12 A. Well, when you're out trying to register people and
13 you're canvassing you can run into 10 to 15 people a day
14 that just don't have proof of residence with them or
15 sometimes two or three or sometimes just one.

16 Q. Can you estimate how many total you have run into
17 with that problem?

18 A. You like estimations, don't you? It all depends. If
19 we're out canvassing and we're covering several blocks, we
20 could run into 10 or 12 people.

21 Q. I guess when you say "you could run into," I want to
22 know how many you did run into.

23 A. 10 or 12 people -- 12.

24 Q. You did run into 12?

25 A. I'm saying, you want an estimate? 12 people.

1 Q. So you ran into a total of 12 people?

2 A. That didn't have proof of residence.

3 Q. Okay.

4 THE COURT: Just if I may clarify that. Some
5 people are going to lack proof of residence for all sorts
6 of reasons regardless of how long they've been at the
7 place where they live.

8 THE WITNESS: Right.

9 THE COURT: So do we know how many people had
10 special problems that were posed by the fact that the
11 residency requirement was extended to 28 days versus the
12 old 10-day rule?

13 THE WITNESS: I don't know how many people. I
14 can't give you a number.

15 THE COURT: Do you have an idea of how many
16 people you encountered or what kind of --

17 THE WITNESS: Through the years since the law
18 changed?

19 THE COURT: Well, I'm just interested in -- one
20 of the aspects that we're dealing with here is the fact
21 that the residency requirement was extended from 10 days
22 to 28 days. And you've described it in a general way and
23 it makes perfect sense that some people are just going to
24 find it too inconvenient or, even if they do, it's still a
25 burden to get back to their old neighborhood to vote. And

1 so I'm just wondering about how many people you
2 uncountered that had problems that came from the extended
3 residency requirement.

4 THE WITNESS: Since the change of the law?

5 THE COURT: Yeah.

6 THE WITNESS: A hundred.

7 THE COURT: Yeah. Okay. All right.

8 BY MR. KAWSKI:

9 Q. You talked about how you assisted a veteran get an ID
10 card. Was that man's name Dennis Hatton?

11 A. Yes.

12 Q. And there was a news story about him. I guess that
13 jogs my memory.

14 A. Yes, yes.

15 Q. You mentioned that the law changed, correct?

16 A. Yes.

17 Q. In that now a veteran ID card is allowable?

18 A. Acceptable, yes.

19 Q. And Mr. Hatton has one of those?

20 A. He does.

21 Q. Okay. And he had that prior to the time you helped
22 him get an ID?

23 A. Yes.

24 Q. You talked about voting in-person absentee in
25 Milwaukee, correct?

1 A. Yes.

2 Q. And that would be at the Zeidler Building downtown?

3 A. Yes.

4 Q. You said you did not have to stand in line for that?

5 A. Yes.

6 Q. Okay. At your deposition we talked about your
7 interactions with the DMV; do you remember that?

8 A. Which interactions?

9 Q. I guess when you helped voters get ID at the DMV in
10 Milwaukee?

11 A. Yes.

12 Q. And you characterized your interactions with DMV as
13 good?

14 A. Yes.

15 Q. And DMV staff were very helpful?

16 A. Yes.

17 Q. And in fact you said that a number of times in your
18 deposition?

19 A. Yes.

20 Q. You also said, and correct me if I'm wrong, that any
21 confusion at DMV that you observed initially regarding
22 free ID issuance has subsided now?

23 A. I didn't say that. I don't believe I said that. But
24 you said it's in a deposition. Maybe you misunderstood
25 me. People are still confused.

1 Q. I could refer you to the deposition if you'd like.

2 A. You don't have to refer me. People are still
3 confused and I think you saw that with Cassandra today.

4 Q. Okay. You'd agree that the Voter ID law affects
5 everyone in the state?

6 A. Yes.

7 Q. In fact it affects everyone equally, correct?

8 A. No.

9 Q. That's what you testified to in your deposition
10 though, wasn't it?

11 A. I don't know that -- what did I say?

12 Q. I asked you does it apply equally --

13 MR. SPIVA: I object, Your Honor. If he's going
14 to ask her about her deposition, he ought to put up the
15 transcript.

16 MR. KAWSKI: Sure. Let's do it.

17 THE COURT: Well, actually it's not really
18 necessary. Also, we're making a very fine point. I get
19 it. I understand everybody is subject to the Voter ID
20 law. This witness has already testified about the -- what
21 she regards as a special burden that falls on certain
22 people who don't have the underlying documentation or
23 don't have the ID in the first place. So if there's
24 anything that does not need to be established in this case
25 it's that, so we can move on.

1 BY MR. KAWSKI:

2 Q. This is a very minor point, but you talked about how
3 you're an SRD for various locales; is that right?

4 A. Milwaukee and Waukesha, yes.

5 Q. And were those for the city of Milwaukee and the city
6 of Waukesha?

7 A. Yes, I believe, yes.

8 Q. Okay. You talked about in your direct examination
9 here about not having any money for the Government
10 Accountability Board to do education, correct?

11 A. The Government Accountability Board did not have
12 money to educate the public on the changes in the photo ID
13 and voter registration.

14 Q. And you understand that the Government Accountability
15 Board has recently made a request to the Legislature for
16 more money?

17 A. Recently, but not before -- but we didn't have any --
18 they didn't have any money to educate the public before
19 April 5th and February elections.

20 Q. Okay. Do you use the Government Accountability
21 Board's materials that they provide to do your outreach?

22 A. I do.

23 Q. How do you find those materials?

24 A. I go online --

25 Q. And you find --

1 A. -- and I call and talk to them about what they have
2 and they advise me on what I need to say when I go out.

3 Q. If the Government Accountability Board does get some
4 funding for the outreach efforts for November would that
5 satisfy you that there's going to be a better education
6 effort?

7 A. It won't satisfy me, but it would be a better
8 educational effort.

9 MR. KAWSKI: Okay. I have no further questions.

10 THE COURT: Okay. Any redirect?

11 MR. SPIVA: Very brief, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. SPIVA:

14 Q. Ms. Johnson, do you recall you were asked some
15 questions about your work with Election Protection and how
16 many calls you got?

17 A. Yes.

18 Q. Okay. Does Election Protection provide attorneys for
19 people to call when they have issues at the polls?

20 A. There's a 1-866-OUR-VOTE that people can call if
21 they're having problems at polls.

22 Q. And, Ms. Johnson, as multitalented as you are, you're
23 not -- we won't curse you with the title of *attorney*.
24 You're not an attorney?

25 A. No, I'm not at all.

1 Q. And would there be any particular reason that people
2 who had issues that you were asked about would have called
3 you as opposed to one of the Election Protection attorneys
4 that was provided for that purpose?

5 A. They have confidence that I will give them the
6 correct answer. And if I don't know the correct answer I
7 will call and get the correct answer and get back to them.

8 Q. Yes. And I'm --

9 A. It's more convenient to call me than the attorney.

10 Q. Okay. But is it possible that more people that
11 didn't call you may have called an attorney that was
12 provided?

13 A. I'm sure they did, yes.

14 MR. SPIVA: Thank you, so much, Ms. Johnson.

15 THE WITNESS: Okay.

16 THE COURT: Thank you, Ms. Johnson.

17 THE WITNESS: Thank you.

18 THE COURT: And you may call your next witness.

19 MR. SPIVA: Your Honor, the plaintiffs call Neil
20 Albrecht.

21 THE COURT: Okay.

22 **NEIL ALBRECHT, PLAINTIFF'S WITNESS, SWORN**

23 (2:35 p.m.)
24
25

DIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. WILSON:

Q. Good afternoon.

A. Good afternoon.

Q. Can you please state and spell your name for the record?

A. Neil, N-E-I-L, Albrecht, A-L-B-R-E-C-H-T.

Q. And what's your job title?

A. I'm the executive director for the City of Milwaukee Election Commission.

Q. And how long have you had that position?

A. I've been in the position for four years as executive director.

Q. And what position did you hold before that?

A. For six years I was the deputy director for the Election Commission.

Q. And as the executive director, what are your job responsibilities?

A. Oversight of election administration, which includes all aspects of elections, registration, absentee ballot voting, poll worker, polling places, polling sites, campaign finance reporting, candidate filing.

I also review and compile data related to voter participation, analyze that information and use that in the department's strategic planning processes. I often

1 feel responsible for advocating on the behalf of city of
2 Milwaukee voters. I'm responsible for media relations.

3 And then finally for interface it is with groups like
4 the Wisconsin Government Accountability Board to insure
5 that the City is in compliance with the seven-state
6 chapters -- seven state that -- statute chapters of state
7 statutes that govern election law and the rules of the GAB
8 as well.

9 Q. And that's just your part-time job, right?

10 A. It is, right.

11 Q. Do you have any responsibility for talking to the
12 Legislature about changes in laws?

13 A. I do. That falls under my role as a representative
14 or an advocate for voters in the city of Milwaukee.

15 Q. When you say "advocate for voters in the city of
16 Milwaukee," what do you mean exactly?

17 A. Because as changes emerge related to election laws
18 but also to advocate for increased efficiencies in
19 election laws that encourage voter participation and to be
20 a spokesperson for that.

21 Q. Okay. Now, I asked you about your job
22 responsibilities as executive director, but does the
23 Election Commission have a mission or a purpose?

24 A. We have a mission to provide fair and accurate and
25 transparent elections in the city of Milwaukee.

1 Q. And how does the Election Commission do that?

2 A. We continuously review and evaluate our
3 administration of elections as well as all processes
4 related to the department. We pursue opportunities for
5 increasing voter participation for creating additional
6 efficiencies in processes for creating a positive voting
7 experience for voters in the city. So we do that by a
8 constant review and process improvement evaluation.

9 Q. And what does it mean, "process and improvement
10 evaluation," what does that mean to the layperson?

11 A. It means that we continuously look at all of our
12 processes, particularly when there have been changes to
13 election laws or rules, and we review our performance on
14 those processes and look for improvement opportunities and
15 we implement those improvements.

16 Q. And how do you go about, as the Election Commission,
17 how does it go about reviewing how it's doing with respect
18 to voter participation?

19 A. Through a number of venues. Voters are vocal, so we
20 receive a lot of feedback from voters. We solicit
21 feedback from our election workers; from our chief
22 inspectors, which are really our site supervisors; from
23 the public, from community organizations, from the
24 political parties, from our own staff. We have any number
25 of feedback opportunities that are really inherent to our

1 systems to receive feedback.

2 Q. And do you do any studies to see what effect, for
3 example, changes to the laws have on voter participation?

4 A. We do. We -- in particular I tend to either review
5 statistics or voting numbers that are posted through the
6 Wisconsin Government Accountability Board or I will
7 analyze our own numbers with regard to voter participation
8 or different aspects of election administration.

9 Q. And when you say "election administration," what do
10 you mean by that?

11 A. I mean the aspects of election with regard to voter
12 registration, patterns around voter registration, absentee
13 voting, in-person absentee voting -- as part of that our
14 poll workers are polling places -- even our candidate
15 filing processes.

16 Q. Would that also include, for example, mail absentee
17 voting?

18 A. It would. We analyze both in-person absentee voting
19 and by-mail absentee voting.

20 Q. And you're familiar of course in your position with
21 the voting laws, right?

22 A. I am. Correct.

23 Q. And there have been a number of changes with respect
24 to the voting laws, right?

25 A. There have been, yes.

1 Q. How do you keep yourself apprised of the changes with
2 voting laws?

3 A. I have a number of avenues or mechanisms to insure
4 that I am aware of changes. I get e-mail updates, for
5 example, from the Wisconsin State Legislature whenever
6 there are proposed changes that relate to election law.
7 The City has an intergovernmental relations staff. I
8 often hear from them. I'm in regular communication with
9 the Wisconsin Government Accountability Board. So in all
10 cases I'm aware not only of when changes are being
11 proposed, but when Acts have been passed.

12 Q. And with respect to your staff -- let me step back
13 for a second. How many people work for the Elections
14 Commission?

15 A. We have eight full-time staff.

16 Q. And does the Election Commission hire poll workers?

17 A. We do.

18 Q. How many poll workers do you have?

19 A. That can vary based on the election. If it's a local
20 election, for example, where we don't experience the very
21 high rates of voter participation, we can have 1,200 poll
22 workers. If it's a high-turnout election, like the
23 presidential or the gubernatorial, the general election,
24 we can have as many as 25' to 2,800 election workers.

25 THE COURT: I'm sorry. I may have missed it. So

1 a local election is 1,200?

2 THE WITNESS: Correct.

3 THE COURT: 1,200, might be as high as 25' to
4 2,800. Okay. Thank you.

5 THE WITNESS: Sure.

6 BY MS. WILSON:

7 Q. How do you make sure your staff is trained with
8 respect to changes in voting laws?

9 A. "Our staff" being poll workers or the in-office
10 staff?

11 Q. Office staff.

12 A. We have regular staff meetings. I share e-mails with
13 staff. I encourage them, for example, to go to the *Clerk*
14 *Communications* link on the Government Accountability Board
15 website in order to keep people apprised of changes, but
16 also of potential changes so that we're able to plan
17 accordingly.

18 Q. And how about with respect to poll workers, how do
19 you assure that they've been trained with respect to the
20 changes in the voting laws?

21 A. We provide poll worker training to all of our poll
22 workers per the state's mandate of once every two years.
23 We did provide additional training to our poll workers
24 around the photo ID requirement. In that case they
25 actually received an annual training. We also bring in

1 our chief inspectors, the site supervisors, prior to every
2 election for additional training.

3 Q. And with all of that training do find that there's
4 any confusion when, let's say, for example, a voting law
5 has been changed?

6 A. Absolutely.

7 Q. And we'll get a little bit more into that in a
8 minute. But can Milwaukee establish its own election
9 laws?

10 A. It cannot.

11 Q. Where does it get its authority to do what it does?

12 A. We follow state law and we follow the rules that have
13 been promulgated by the Wisconsin Government
14 Accountability Board related to those state laws.

15 Q. And you do that even if you disagree with the laws;
16 is that correct?

17 A. We do, correct.

18 Q. Can you give me -- can you describe the demographics
19 in Milwaukee, the voting demographics?

20 A. It's a large urban city. We have approximately a
21 population of half a million people. I think a critical
22 demographic to the city is that about 29%, nearly a third
23 of the population of the city, lives in poverty. We're a
24 racially diverse city with 40% African American and 17%
25 Hispanic-Latino population. And so I think in terms of

1 the identity of the city the issue of poverty is
2 particularly relevant in that Milwaukee is one of the top
3 ten big cities in terms of percentage of people living in
4 poverty.

5 Q. And why is that important --

6 A. It's important --

7 Q. -- for what you do?

8 A. -- it's important to me because we recognize that
9 changes to voting laws, in addition to impacting
10 populations like students and seniors, have the most
11 profound impact on people in poverty.

12 Q. And why is that?

13 A. Access to information, ability to comprehend
14 information, socially isolated; digital divide, not
15 necessarily having access to the Internet or Internet
16 information; just very segregated, very isolated
17 communities requiring multiple messaging often before
18 necessarily understanding things like complexities around
19 voter registration or photo ID or how to apply for a photo
20 ID.

21 Q. So how is the public informed when there's a voting
22 change in Milwaukee?

23 A. It's informed predominantly through some
24 on-the-street outreach like, you know, Anita Johnson who
25 testified before me spoke to. We do a good amount of work

1 in the media to promote understanding of the changes in
2 the media. We do our own outreach. But I would say a
3 majority or the onus of the changes really falls on the
4 public education efforts of the city of Milwaukee.

5 Q. Do you get any money from the state to educate people
6 about the changes in voting laws?

7 A. We do not.

8 Q. Now, let's talk a little bit about some of these
9 changes in the voting laws.

10 THE COURT: Before we do that, just a little bit
11 of background. Is it up to Milwaukee to decide whether it
12 wants an election commission?

13 THE WITNESS: No. It's dictated by state law.

14 THE COURT: And is that every municipality has to
15 have an election commission? How does that work for
16 smaller communities?

17 THE WITNESS: Only cities of the first class are
18 required to have an election commission.

19 THE COURT: Okay. All right. Thanks. And one
20 last question. And it's funded by Milwaukee city tax
21 revenues?

22 THE WITNESS: It's funded through the City's
23 budget, correct.

24 THE COURT: All right. Okay. Thank you.

25 MS. WILSON: Are you sure, Your Honor?

1 THE COURT: Yes. I'll ask if there's something
2 else.

3 BY MS. WILSON:

4 Q. We talked a little bit about the changes. How many
5 changes have there been since 2011 in the voting laws?

6 A. Well, honestly it's difficult to count. When you
7 look at procedural changes, if you include those
8 changes -- changes to campaign finance reporting
9 requirements to candidate filing to voting experiences
10 across the board -- it has to be between, you know,
11 somewhere between 75 and a hundred changes collectively,
12 some obviously much more significant to voters than
13 others.

14 Q. And what about the ones more significant to voters,
15 how many of those have there been?

16 A. I would say about a dozen.

17 Q. And over what time period?

18 A. Over a five-year period.

19 Q. And as the executive director of the Election
20 Commission, how would you characterize the number of
21 changes over that amount of time?

22 A. I would characterize those changes as, number one,
23 just being very confusing to the public, creating an
24 environment of confusion, even on some level chaos in
25 terms of the landscape and what people understand with

1 regard to what's necessary to vote.

2 I would also say that the changes have
3 disproportionately impacted people of color in the city of
4 Milwaukee that either because of the confusion or because
5 they're not able to meet the requirements people have
6 actually been denied the right to vote in the city. I
7 would characterize the changes as such that they're just
8 presenting a significant hardship to residents in the
9 city, particularly those residents who are living in
10 poverty.

11 Q. But there are always changes to the voting laws,
12 aren't there?

13 A. There are, but none so profound I guess, none so
14 significant and none that I have witnessed in my ten years
15 as so disproportionately affecting people in poverty.

16 Q. And why do you say it disproportionately affects
17 people in poverty; what's the basis for that?

18 A. Because the newest changes really, well, first of all
19 eliminate what access people in poverty often had. I
20 should say a manageable access to the registration process
21 but also to being able to vote on Election Day.

22 And now I think the -- many of the new changes create
23 an additional layer and that layer has created a barrier
24 to access to voting. And again I think it's particularly
25 relevant to that population just because of the day-to-day

1 challenges that people in poverty experience and their
2 inability to often receive and comprehend information.

3 Q. So, in your view, has there been less voter
4 participation, when you say that there's no access or
5 there's barriers to access?

6 A. We've seen decreased voter participation in the city
7 of Milwaukee, yes, since these changes began to take
8 effect.

9 Q. But I'm sure you've read in the paper there's been
10 great voter turnout, right?

11 A. Well, to identify voter participation, period, as an
12 indicator of the effects of these laws is really something
13 of a sophomoric argument. What you really have to look at
14 is, for example, how does voting in the city of Milwaukee
15 as a community that's going to be the most profoundly
16 impacted by these changes -- and again largely due to the
17 sizable population of people in poverty -- how does that
18 rate of participation compare to the voter rate of
19 participation in the state of Wisconsin as a whole.

20 Q. But how do you determine that; how do you know that?

21 A. By looking at state statistics and comparing how
22 voter participation in Milwaukee, the city of Milwaukee,
23 has compared to voter participation in the state of
24 Wisconsin historically and is there a gap and is that gap
25 increasing or is it decreasing with the implementation of

1 these laws.

2 Q. And have you done such a study or taken a look at
3 some type of analysis?

4 A. I have, yes.

5 Q. And when did you do that?

6 A. I did it after the April 5th election, so within the
7 last 30 days.

8 Q. And --

9 MR. KAWSKI: Your Honor, I'm going to object to
10 the extent this calls for an improper lay opinion.

11 THE COURT: Well, I don't know if it's going to
12 call for --

13 MR. KAWSKI: And I'd like a standing objection.

14 THE COURT: I'll give you a standing objection,
15 but I think I need to know what I'm going to hear from the
16 witness before I decide whether it's an improper lay
17 opinion or not. So let's find out what we're going to
18 hear.

19 BY MS. WILSON:

20 Q. Can you describe --

21 THE COURT: Just by way of background, too, this
22 witness has not really been disclosed as a -- he's on my
23 list as a lay witness. I take it he did not do a Rule 26
24 report as an expert?

25 MS. WILSON: Right.

1 THE COURT: So that sets a little bit of a stage
2 here, but go ahead.

3 BY MS. WILSON:

4 Q. So earlier we were talking about some of the things
5 that you do as part of your duties, right?

6 A. Correct.

7 Q. And as part of your duties you do some analysis of
8 voter participation, correct?

9 A. That's correct.

10 Q. And what you just described, is that part of that
11 analysis?

12 A. It is, yes.

13 Q. And that's what you do as part of your job --

14 A. It is, correct.

15 Q. -- as the executive director of the Election
16 Commission?

17 A. That's correct.

18 Q. Now, can you describe to us, to the Court, what you
19 looked at, when did you say, April --

20 A. For the April presidential primary, the state
21 presidential primary, first I went back and looked at how
22 voting in the city of Milwaukee had compared to the state
23 average for the presidential primary in 2008 and 2012 and
24 compared that to how it rated in comparison in 2016.

25 So back in 2012, for example, the city lagged maybe

1 about 1.8% behind the state average. In 2012, when some
2 of the law changes occurred, that jumped up to about 3.4%.
3 In 2016, with the most significant change being photo ID,
4 the city has now fallen to a 10% variance from the rest of
5 the state in terms of voter participation. So we lag 10%
6 behind the voting average in the state of Wisconsin.

7 THE COURT: I want to go over those again just a
8 second. So it looks like you said -- so we have three
9 years we're working with, right? We've got '08, '12 and
10 '16?

11 THE WITNESS: For the presidential primary,
12 correct.

13 THE COURT: So in 2008 the lag was 1.8%?

14 THE WITNESS: Correct.

15 THE COURT: Okay. And then it's -- then it goes
16 to 3.4% in 2012?

17 THE WITNESS: Correct.

18 THE COURT: And then 2016 primary it's 10%?

19 THE WITNESS: Just under 10%, correct.

20 THE COURT: Okay. And that is -- what's the
21 measure of participation that you're using here,
22 percentage of registered voters that turn out?

23 THE WITNESS: Percentage of eligible voters.

24 THE COURT: Eligible voters that turn out to
25 vote?

1 THE WITNESS: Correct.

2 THE COURT: Okay. Thank you. Go ahead.

3 BY MS. WILSON:

4 Q. And why did you do that; why did you take that look?

5 A. I think it's important, as these changes roll out
6 that do affect access to voting, the election law changes,
7 that someone do some form of analysis in terms of how it
8 affects voter participation, particularly in urban
9 municipalities like the city of Milwaukee.

10 Q. And what did those numbers tell you, as the executive
11 director of the Elections Commission?

12 A. They told me that these changes are causing people
13 not to vote in the city of Milwaukee.

14 MR. KAWSKI: Your Honor, I'd like to renew my
15 objection of improper expert or lay opinion testimony.

16 THE COURT: This probably is getting into an area
17 where -- I can accept the data as factual, but I have a
18 concern about whether this really is an undisclosed expert
19 opinion. So let's --

20 MR. KAWSKI: And, Your Honor, for the record, I'd
21 like to move to strike this as well as undisclosed expert
22 or lay opinion testimony that occurred after his
23 deposition.

24 THE COURT: It's a legitimate concern. But I'm
25 going to hear what he has to say and then we'll deal with

1 what I do with the information that I find out. So go
2 ahead.

3 BY MS. WILSON:

4 Q. So I think my question was, then you got interrupted,
5 what did it tell you as the executive director of the
6 Elections Commission. So if you would start again.

7 A. Well, I would say it led me to believe, in my own
8 professional assessment, that these most recent changes to
9 election law, because I can't identify any other factors,
10 have impacted voter participation in the city of
11 Milwaukee.

12 Q. Now, let's go back for just a second. So have you
13 done analyses like this before in your job?

14 A. I have. I do them frequently. Often as part of
15 reviewing our processes and even election administration
16 itself requires a significant analysis and reconciliation.

17 Q. And do you report any of your findings for any of the
18 time you do analysis to anyone outside of the Election
19 Commission?

20 A. We report them to the Wisconsin Government
21 Accountability Board, I report them to the mayor and to
22 the city common council, and on occasion I've reported
23 them to the state legislature.

24 Q. Okay. So let's go back to specifically the changes
25 in the voter laws. What changes have there been that you

1 have seen in your capacity as the election -- I'm sorry --
2 as the executive director?

3 A. Well, to begin with, we've seen changes around
4 in-person absentee voting.

5 THE COURT: And I don't know that we need to run
6 with every witness -- we don't have to run down an
7 inventory of what the changes are. So if you have
8 questions that this witness can be informative about the
9 impact of those changes or the reasons for them, that
10 seems to be appropriate, but I don't need another
11 inventory of the laws.

12 MS. WILSON: Okay. If you think I've laid the
13 foundation, I'm good, Judge.

14 THE WITNESS: Me too.

15 BY MS. WILSON:

16 Q. Let's start though with in-person absentee voting.
17 What impact has that had on the city of Milwaukee?

18 A. Well, with the change being the limit in the number
19 of days that in-person absentee voting can be offered, and
20 in particular the elimination of weekend voting, the
21 effect has really been -- I mean, looking back on the 2008
22 presidential election we saw 5,000 people come in to vote
23 over that weekend. And I have no doubt that with the
24 elimination of weekend in-person absentee voting that we
25 have lost voters, recognizing the unique demographics of

1 that population.

2 It's also increased crowding during the days and
3 hours that in-person absentee voting is available and it
4 has also pushed more people into voting at their polling
5 places on Election Day and caused additional crowding at
6 those polling places. So it has taken a process that was
7 actually very efficient to the city of Milwaukee and made
8 it much more inefficient.

9 Q. And how do you know this; what is the basis of this,
10 of your knowledge?

11 A. I'm sorry. I'm not sure I understand that.

12 Q. In other words, is that from poll workers, is it from
13 your own observation; how do you know this?

14 A. Both from poll workers, certainly from our own
15 observations. Again we're constantly reviewing data:
16 What percentage of people vote absentee by mail, what
17 percent vote in person, what percent go to their polling
18 places on Election Day, where do they register, do they
19 register before the election, do they register same day at
20 their polling places. So I look at the data, but also I
21 hear from voters, from poll workers and from the site
22 inspectors.

23 Q. Have you done any sort of analysis within your job
24 responsibilities about the impact on in-person absentee
25 voting?

1 A. I have, yes.

2 Q. And what did you do?

3 A. I was concerned that the restrictions that were being
4 imposed on in-person absentee voting were going to create
5 a capacity ceiling. And I would say those -- I want to
6 make sure that I'm including in those restrictions the
7 limitation that was already in law limiting municipalities
8 to one site for in-person absentee voting.

9 And so collectively the one site limit, the reduction
10 in hours, and the elimination of weekends I was concerned
11 was creating a capacity ceiling for the city of Milwaukee
12 that would actually hold back our ability to serve voters
13 at a percentage comparable to other smaller
14 municipalities.

15 Q. So what did you do exactly; what was your analysis?

16 A. I, again using data from the Government
17 Accountability Board, I looked at rates of in-person
18 absentee voting in other municipalities, sort of a
19 geographic mix of municipalities both in population and in
20 geography, and compared those to the city of Milwaukee and
21 to the city of Madison.

22 Q. And what --

23 MR. KAWSKI: Your Honor, I'm going to object
24 here. This is again improper lay or expert opinion
25 testimony.

1 THE COURT: Okay. It might be. I have concern
2 about this, but I want to hear the data.

3 BY MS. WILSON:

4 Q. Did you do some kind of chart or graph or analysis?

5 A. I did a table, correct, that identified percentages
6 of in-person absentee voting in the city compared to these
7 other municipalities.

8 Q. And this is something you did as part of your job?

9 A. It was, yes.

10 Q. Okay. Can we have PX 054? Can you tell us and the
11 Court what this is?

12 A. Well, it's a very nice table. But it was the
13 document that I pulled together to identify percentages of
14 in-person absentee voting; the counties, again looking for
15 some geographic diversity in terms of the counties that we
16 reviewed; and the cities particularly looking for size,
17 diversity and geographic diversity; and then compared
18 those to percentages of in-person absentee voting in the
19 city of Milwaukee.

20 Q. And what did this chart tell you?

21 A. That all other municipalities -- and I would add, I
22 looked at others beyond what ended up on this chart -- had
23 higher rates of in-person absentee voting than what we
24 were experiencing in the city of Milwaukee.

25 MR. KAWSKI: Your Honor, I'd like to renew my

1 objection and make a standing objection that this is
2 improper expert or lay opinion testimony and I would like
3 to move to strike it.

4 MS. WILSON: It's part of his job, Your Honor.

5 THE COURT: That doesn't answer the question.
6 But I will -- I'll give you a standing objection, so you
7 can just briefly highlight it when you want to make that.
8 I do have a concern about whether this is improperly
9 disclosed expert opinion, but at the same time there's a
10 lot of factual data here.

11 The fact that it's part of his job doesn't answer the
12 question. I think our standing order says even if you've
13 got an employee of a party that is going to testify about
14 their work they have to disclose the report. I don't
15 think that there's an exception.

16 MS. WILSON: This was disclosed. There was a
17 deposition on this topic.

18 THE COURT: I get there's a deposition, but there
19 wasn't -- and maybe that goes to the prejudice prong of
20 the analysis about whether I let it in. But I think there
21 is a requirement that if you have expert opinion it's
22 going to be disclosed in a Rule 26 report.

23 So we'll pick up the pieces as we go. But you can
24 make the objections succinctly. I think I get the problem
25 here with this witness, but just highlight it for me if

1 you think it's appropriate.

2 First a question. I want to see -- I want to make
3 sure I'm reading the chart correctly. So where's the
4 line -- your testimony is that Milwaukee had the -- or the
5 other cities had the higher percentages of the absentee
6 voting?

7 THE WITNESS: No, that the city of Milwaukee and
8 city of Madison is two large urban municipalities and the
9 one-site limitation had the lowest percent -- or among the
10 lowest percent of in-person absentee voting occurring.

11 THE COURT: Okay. And what column are we looking
12 at?

13 THE WITNESS: Second from the right, *Percentage*
14 *of In Person to Total Ballots*.

15 THE COURT: Okay. There we go. Okay. So
16 *Percentage of In Person to Total Ballots*. And is the
17 highlighting significant in any way here?

18 THE WITNESS: I can't recall what the, because
19 this was created several years ago, I can't recall what
20 the purpose was of highlighting those three
21 municipalities.

22 THE COURT: Okay. All right. And then the Town
23 of Hixton and Jackson County is an extreme outlier for
24 some reason?

25 THE WITNESS: Correct, a very small absentee

1 voting population.

2 THE COURT: Okay. I think I get the gist of your
3 perspective here. So go ahead.

4 BY MS. WILSON:

5 Q. We can move on from this. Let's go back for just a
6 second. When the Legislature was considering changing
7 in-person absentee voting, did you talk to them about it?

8 A. We did. I did. I appeared at several legislative
9 committee hearings.

10 Q. And did you also give any written testimony?

11 A. I did, yes.

12 Q. Can you pull up, please, PX 050 and 048? We can do
13 one at a time. Let's start with -- is that 50? And why
14 did you give testimony prior to when you found out about
15 the changes in the law in in-person absentee voting?

16 A. Well, I was very concerned about, in particular, the
17 elimination of the weekend hours and how that would affect
18 access to voting for the geographic districts of the city
19 that had been largely represented in that weekend voting.

20 Q. And were there any changes that the Legislature made,
21 given your concerns?

22 A. None.

23 Q. And were you speaking just for yourself or on behalf
24 of the Elections Commission?

25 A. I was speaking on behalf of the Elections Commission.

1 Q. So I think you've said that in-person absentee voting
2 is down in Milwaukee; did I get that right?

3 A. I believe that it is at a ceiling in terms of its
4 ability to grow at a rate that in-person absentee voting
5 is growing in other municipalities in the state of
6 Wisconsin.

7 Q. But why is that a concern?

8 A. Because recognizing the demographics of the people
9 who tend to vote during in-person absentee voting,
10 particularly those coming in on evening and weekend hours,
11 that, for example, we saw a very large representation of
12 Aldermanic Districts 1, 2, 3, 6 and 7 in the city of
13 Milwaukee, which represent some of the poorest
14 neighborhoods in the city of Milwaukee.

15 Q. But there are other ways -- let's even assume that
16 you're correct -- but there are other ways for people to
17 vote, right?

18 A. There are. Usually what we hear from voters is that
19 if they are appearing in in-person absentee voting, while
20 it is convenient, many of them often have concerns about
21 their schedules on Election Day and being able to appear
22 at their polling place. I think that's particularly
23 applicable to the working poor who may have two jobs, may
24 be working two jobs on Election Day and not able to
25 appear.

1 I think there's also -- well, certainly there's also
2 absentee voting by mail, although we're certainly aware of
3 a public mistrust with the absentee by-voting option --
4 I'm sorry, absentee voting by-mail option.

5 Q. You also track, don't you, the number of people who
6 use mail-in absentee voting?

7 A. We do.

8 Q. And let's take, for example, the last presidential
9 election. How many people mailed in their votes?

10 A. We saw somewhere around 18,000 by-mail absentee
11 voters, which represented about 7% of the total voters in
12 that election.

13 Q. Now, the judge asked the question earlier, I don't
14 think you were here, but it's pretty easy to vote by
15 mail-in, right?

16 A. I wouldn't agree with that statement. There is the
17 application process. There's now the photo ID process
18 that must accompany that application.

19 But there are nuances to the absentee voting by mail
20 that can be complex for voters in particular. There's a
21 very text-heavy certification statement that voters must
22 sign. They have to secure a witness signature, someone
23 who's present when they mark their ballot, and they have
24 to secure their own signature. They have to mail in the
25 ballot and feel assured that the Post Office will deliver

1 that ballot in time for the election.

2 Q. Can you put up 462, please? Now, can you tell us
3 what this is?

4 A. That's the certification, the application
5 certification, that the voter, the absentee voter, must
6 complete when returning their vote in absentee ballot.

7 Q. You can't tell from this, but that's the envelope
8 you're talking about?

9 A. That's the envelope, right. The certification
10 statement is on the mailing envelope.

11 Q. And they have to sign the envelope, correct?

12 A. Correct.

13 Q. And then have a witness, also?

14 A. Correct.

15 Q. And then the witness has to also give an address?

16 A. Correct.

17 Q. And then you said they -- what did they have to do
18 with respect to photo ID?

19 A. They have to include a copy of their photo ID, unless
20 they're exempt from the photo ID requirement, with their
21 application.

22 Q. That's after they get their application to mail in to
23 vote?

24 A. Correct.

25 Q. Okay. Thank you. Let's turn to voter registration.

1 What impact has voter registration, the changes in voter
2 registration, had on the city of Milwaukee?

3 A. The impact again has been significant and I think
4 again has disproportionately affected people in poverty,
5 which in the city of Milwaukee is largely represented by
6 people of color.

7 The elimination of corroborating witness, for
8 example, is -- was very critical to a person --
9 characteristic of a person in poverty is very transient in
10 their housing. So we have people in shared housing
11 situations, shared apartments, even sometimes spouses
12 where everything is in one person's name and nothing is in
13 the other person's name, who are able to use a
14 corroborating witness who would certify on their
15 registration form that they knew the person and that they
16 resided at that address.

17 So for people who are particularly transient in their
18 housing, again often people in poverty, it was a pretty
19 valuable resource in terms of that person being able to
20 complete the voter registration process.

21 Q. What about with respect to residency requirements,
22 the 10 to 28-day rule?

23 A. The expansion of the residency requirement from 10 to
24 28 days -- you know, I heard this spoken to -- spoken of
25 earlier -- it really creates a feeling of dishonesty among

1 people who are registering to vote.

2 Q. What do you mean?

3 A. In that, you know, election laws, the way people
4 understand it is you have to update your registration
5 every time you move and that's the law that most people
6 understand and operate under.

7 So to appear at a polling place -- and again this
8 disproportionately affects people in poverty because they
9 register more often, they move more often -- and to appear
10 at a polling place and to believe that you're following
11 the law by changing your registration and then to find out
12 that because you haven't lived at that address for 28 days
13 prior to the election you need to go back and do something
14 which feels very dishonest to people, and that is,
15 register at a previous address.

16 And then of course there's a hardship because if
17 they're not already registered at that address, they have
18 to provide proof of residence for an address that they're
19 no longer residing at.

20 Q. And have you communicated with people where they've
21 had that particular problem?

22 A. Absolutely.

23 Q. And do you give them any advice on what they should
24 do, given what the law is?

25 A. We try to explain to them, and I know election

1 workers do as well, how the process works and that they
2 will need to come out again and reregister again before
3 the next election to again update their registration. But
4 it's a difficult and challenging message for voters to
5 understand.

6 Q. Now, let's talk a little bit about voter ID, one of
7 the favorite subjects around here. What impact has the
8 changes to the voting laws had on the city of Milwaukee?

9 A. I would say it's by far the most significant of all
10 the changes. There is a lack of coordinated public
11 education, so a lot of -- and I should say statewide
12 coordination of public education around photo ID. There's
13 a lot of different mythology out there around voter IDs or
14 photo IDs and what is it that we're talking about. There
15 are layers of confusion around how photo ID relates to
16 proof of residence or how photo ID relates to what types
17 of documents are necessary to get a free state ID.

18 So it's been our experience that it's very
19 challenging for voters to process how this newest layer,
20 and certainly the most significant, impacts their ability
21 to vote on an election day.

22 Q. Now, we've heard that the GAB has asked for some
23 money. Have you been party to that?

24 A. I read about it in the paper.

25 Q. And how do you expect that to impact this whole issue

1 of the confusion around voter ID?

2 A. I'm not optimistic. We were in regular communication
3 with the GAB looking for how best can we coordinate what a
4 photo ID public education campaign would look like -- what
5 were they going to be doing, what could we do, what could
6 Milwaukee County do to compliment those efforts -- and
7 there was a void. And I understand that a lot of it
8 related to the uncertainty of what funding would be
9 available when.

10 So do I believe that additional dollars would support
11 the campaign? Absolutely. Do I think that the, what I
12 understand to be, \$250,000 that's being requested will be
13 sufficient to really come up with a successful public
14 education campaign that really reaches the very diverse
15 communities in Milwaukee? I'm pretty doubtful.

16 Q. Let's turn our attention to straight-ticket voting.
17 How does the changes in straight-ticket voting impact what
18 you do?

19 A. Straight ticket or straight-party voting in the
20 November election was pretty widely used in the city of
21 Milwaukee. A ballot can be very difficult to navigate I
22 think even --

23 THE COURT: You say it was widely used in the
24 November election. You mean in November elections
25 generally or just in the 2012?

1 THE WITNESS: Straight-party voting was only a
2 ballot option in November general elections.

3 THE COURT: When you say that, are you talking
4 about 2012 specifically? You said it was widely used. I
5 want to know whether you mean it was widely used during
6 that 2012 election.

7 THE WITNESS: It was eliminated after the 2010
8 gubernatorial. So I would say it was widely used in the
9 '08 presidential and in the 2010 gubernatorial.

10 THE COURT: Okay. Thank you.

11 THE WITNESS: Sure.

12 BY MS. WILSON:

13 Q. Had you finished your answer?

14 A. I don't know.

15 THE COURT: Sorry. I interrupted you.

16 A. You're going to have to help me with that.

17 Q. How has what you do been impacted by the changes to
18 straight-ticket voting?

19 A. I believe what I had identified was that a ballot can
20 be difficult for even the most educated voter to navigate,
21 particularly partisan primaries in Wisconsin's open
22 primary system.

23 And so for a person who is possibly challenged with
24 their literacy, which a lot of people again in the city of
25 Milwaukee are, it prevented -- it presented a very

1 positive voting experience for them not to be intimidated
2 by the complexity of a ballot but yet to be able to vote
3 for the candidates of their choice.

4 Q. And let's turn our attention to election observers.
5 Has the change in the laws with respect to election
6 observers had any impact on the work that you do?

7 A. They have. We receive reports of voters and even
8 poll workers feeling intimidated by the close proximity of
9 observers at polling places. And while they have the
10 authority to determine whether those observers stand at
11 three feet or whether they stand at eight feet, observers
12 can be very persistent.

13 And in terms of wanting to be at that three-foot
14 mark, and poll workers can acquiesce because they have a
15 lot of other things going on, it can create an
16 intimidating environment for voters. I think it's
17 difficult for anyone to have someone standing three feet
18 away from you when you're providing confidential documents
19 for voter registration, for example, and not know who that
20 person is.

21 Q. But it's not just three feet, right? It's a range,
22 so they can stand further back, right?

23 A. It is, but those ranges are often pushed. And so it
24 puts the -- you know, another burden, another
25 responsibility on chief inspectors to continuously monitor

1 how closely observers are standing to election activities.

2 Q. Have you ever had any occasion to report an
3 aggressive observer?

4 A. I have, yes, several occasions.

5 Q. And when you say "several occasions," how many are we
6 talking about?

7 A. I've probably -- reported as in to the Government
8 Accountability Board?

9 Q. Yes.

10 A. On at least two occasions I've had to report observer
11 issues to the GAB.

12 Q. And why would you report them to the GAB?

13 A. I wanted them to be aware that the situations had
14 occurred. In one case I wanted to explore -- I'm sorry.
15 There were three cases. In one case I actually wanted to
16 explore banning the observer from additional participation
17 as an observer.

18 Q. And what had this observer done, the one you wanted
19 to investigate banning; what had occurred?

20 A. They were an observer at a residential care facility
21 when our special voting deputies were administering voting
22 at a residential care facility. And this observer
23 interacted with voters, called out a family member of a
24 voter on something that was incorrect, and really
25 compromised voting at the residential care facility.

1 Q. But do you think that that type of behavior would
2 happen anyway, whether they were supposedly 12 feet away
3 or three feet away; does it make a difference?

4 A. Well, to be clear, that wasn't related to the space,
5 the space issue; that was just related to the conduct of
6 the observer.

7 In another situation during in-person absentee voting
8 we actually had a group of observers approach a voter and
9 question the document that they were being -- that the
10 person was using for purposes of proof of residence. So
11 they were not three feet away from the voter; they
12 actually surrounded the voter.

13 Q. In the polling place or outside?

14 A. Within the polling place.

15 Q. And was that group reported to the GAB?

16 A. They were, yes.

17 Q. Do you know if anything happened with respect to this
18 group of interlopers?

19 A. Not that I'm aware of, no.

20 Q. Can you pull up PX 132, please? Can you tell me what
21 this is?

22 A. That was a communication that I sent to Bruce
23 Landgraf, who's the Milwaukee County District Attorney,
24 and to Kevin Kennedy with the Government Accountability
25 Board, documenting what had occurred and what I knew in

1 terms of the names of the observers that had been
2 involved.

3 Q. And the observers who surrounded the voter, did the
4 voter ever vote?

5 A. He did not.

6 Q. And do you know why?

7 A. He was very intimidated. He was shaking. He was so
8 upset by what had occurred -- and this was somebody who
9 had just turned 18, it was their first time voting -- and
10 rather than continue to be a part of the conflict that had
11 emerged, chose to actually tear up his ballot and leave.

12 Q. Thank you. I just have a couple more. There are so
13 many changes. Let's talk about absentee voting. What --
14 has the changes to absentee voting had any effect on the
15 work that you do?

16 A. They have. Milwaukee has a fairly sizable -- I would
17 certainly think the largest in the state -- population of
18 military permanently overseas and temporary overseas
19 voters. And the Legislature eliminated our clerks'
20 ability to e-mail or fax ballots to temporary overseas
21 voters, which has really created a hardship, a
22 disheartening hardship, for people who are living overseas
23 often because of unemployment and absolutely unable to
24 receive a ballot and return that ballot in time to vote in
25 an election.

1 Q. But why wouldn't they be able to get a ballot and
2 return it in time for an election?

3 A. Well, if they're in London they probably can. If
4 they're in Egypt or Uzbekistan, the wait to receive an
5 absentee ballot that has been mailed to you, we here
6 reports of people receiving ballots six months after the
7 election.

8 Q. How many people does that affect?

9 A. I would say anywhere -- you know, it can vary from
10 election to election. For a presidential I would say
11 probably we work with about a hundred temporary overseas
12 voters.

13 Q. Thank you. Now, with respect to special registration
14 deputies, how have changes with respect to that affected
15 the work you do in the real world?

16 A. Again we're looking at a process that operated very
17 efficiently and now has become very inefficient. We try
18 to, as one example, register students or SRDs try to
19 register students on the UW-Milwaukee campus. That campus
20 is literally blocks away from the Village of Shorewood
21 boundary. And so you have students who live in Milwaukee,
22 you have students who live in Shorewood, you have students
23 who live in Whitefish Bay, students who live in any of the
24 19 Milwaukee County municipalities. I'm aware certainly
25 of the process of registering to vote newly-naturalized

1 citizens that occurs in the city of Milwaukee and of
2 course those individuals reside across the state.

3 The benefit of the statewide special registration
4 deputy program was that it allowed one person to not jump
5 through dozens of hoops by attending training in dozens of
6 municipalities and going through the oath process just to
7 be able to effectively and efficiently register voters
8 from outside of just one municipality.

9 Q. We've talked about a number of voting changes. Let
10 me ask you this: with respect to any of the changes that
11 we've talked about, has any of them, based on your
12 experience, your ten years of experience in the Elections
13 Commission, made elections more efficient?

14 A. No.

15 Q. Has any of the laws that we've talked about made the
16 elections less costly for the City of Milwaukee?

17 A. Absolutely not.

18 Q. Why do you say "absolutely not?"

19 A. Well, we've already invested \$50,000 in calling in
20 poll workers for photo ID training and probably another
21 \$50,000 just in our own public education outreach efforts.
22 So none of these mandates have been supported by state
23 funding and all of them have placed an additional cost
24 burden on the City of Milwaukee that actually detracts
25 from any of the work we would really like to be doing,

1 which would be increasing voter participation.

2 Q. And have any of the changes that we've been talking
3 about, have any of them, in your opinion, increased the
4 integrity of elections?

5 A. They have not. I think they've actually compromised
6 the integrity of elections.

7 Q. Why do you say that?

8 A. Because I think they create an unfairness in what is
9 supposed to be fair and accessible elections that -- and
10 they have occurred in a vacuum without any recognition to
11 the populations that will be challenged by these changes
12 and with minimal effort to work with those populations to
13 insure that they are able to continue voting in elections.

14 And so any time elections function in a way that
15 is -- that disregards the voting population and
16 disproportionately creates barriers to voting, I think
17 that compromises the integrity.

18 Q. And let me just ask you one last question. I'm not
19 like my colleague. This really will be my last question.
20 Were you -- I don't think you were here for the opening,
21 but, and I've heard this before, but the state has said
22 that voting in Wisconsin is fair, easy to navigate and
23 open to all. In your experience, ten years experience on
24 the Election Commission, do you think that's true?

25 A. I think somebody has a different definition of those

1 words than I do as an election administrator. I do not
2 believe they are true.

3 Q. And why not?

4 A. I think that, you know, in addition to being ten
5 years as an election administrator, I have a background in
6 working for nonprofits, and with that has come a
7 significant interaction with communities in poverty. And
8 while I'm fortunate to have never lived in poverty, I
9 understand the day-to-day challenges that face that
10 population.

11 And I think if somebody emerges from a world of
12 poverty and appears at their polling place, when 40% of
13 eligible voters don't even turn out to vote in a
14 presidential election, that person should be able to vote.
15 They should have access to a ballot without unnecessary
16 and unwarranted barriers preventing them from casting that
17 ballot.

18 MS. WILSON: Thank you.

19 THE COURT: Just a couple of clarifications. On
20 the idea that none of these laws make elections less
21 expensive, okay, I think I understand why a voter ID
22 component of the law drives up costs, because you have
23 complicated education and procedures that you have to go
24 through. But I don't know that that's really been offered
25 as the primary reason for the Voter ID law, so let's set

1 that one aside.

2 But the other one, the restriction on hours, I think
3 cost is, purportedly at least, an advantage of that. So
4 you don't have to pay people to work weekend hours for
5 in-person absentee voting, so you've got a shorter window.
6 And I get you, there might be other disadvantages to it,
7 but isn't that at least something that makes it's cheaper
8 to run an election?

9 THE WITNESS: I won't dismiss that there may be
10 some aspects that have reduced costs. But, for example,
11 the reduction in days and hours, it just means that many
12 more people have to be there during the hours that
13 in-person absentee voting is available.

14 So if there is any cost savings, in all honesty I'd
15 have to say it's probably pretty insignificant. We'd much
16 rather be able to provide the voter access in that case
17 than save the cost.

18 THE COURT: And then maybe that dovetails to my
19 other concern. There's an area of your testimony that I
20 don't think I fully understood. And I get the idea that,
21 conceptually at least, the reduction in the window for
22 voting for in-person absentee voting, obviously if you
23 can't vote on a particular Saturday and you want to vote
24 you're going to have to vote some other time when the
25 polling places are open or you're taking in in-person

1 ballots. Conceptually it's definitely, almost by
2 definition, going to have to increase what I think you
3 called *crowding* during the time when you're taking votes,
4 either in person or on Election Day, so conceptually I get
5 that.

6 But I think you were arguing or offering evidence
7 that you're hitting something like a capacity ceiling, and
8 I'm not sure I understand that. Here's what I thought you
9 meant; that by closing the window for in-person absentee
10 voting, you're going to hit a point where there are just
11 too many voters to accommodate during that window. And so
12 because you can't serve them there, then you're going to
13 have to serve them on Election Day and there's only so
14 many you can serve on Election Day. So am I understanding
15 the argument?

16 THE WITNESS: You did a better job of
17 communicating it than I did.

18 THE COURT: So why do you think we're at that
19 capacity now?

20 THE WITNESS: Because we're at one location, we
21 have limited hours, and that contributes to long lines for
22 in-person absentee voting in a general election. People
23 see those long lines and they choose -- or they don't
24 choose, they're just limited in terms of their time -- not
25 to in-person absentee vote.

1 THE COURT: Okay. And what makes you think that
2 the lines are so long for so long that people are choosing
3 not to vote because of the wait?

4 THE WITNESS: We see people leave.

5 THE COURT: Okay. And so tell me the time when
6 you had the elections and how long the lines were. Do you
7 have data on that?

8 THE WITNESS: It can vary from election to
9 election. We have seen lines as long as 60 to 90 minutes.

10 THE COURT: And is that in the April 5th election
11 are you talking about?

12 THE WITNESS: No, no, in a presidential.

13 THE COURT: Okay.

14 THE WITNESS: The April 5th election I don't
15 think we had a wait time more than 20 minutes.

16 THE COURT: And so you had 60 to 90 minutes in a
17 presidential election. And is that after the time -- you
18 have to remind me when the window for in-person absentee
19 voting was narrowed to the 45 or 55 hours a week without
20 weekends.

21 THE WITNESS: It was narrowed twice. The first
22 change I believe occurred in 2011. And prior to that it
23 was three weeks, weekends and the Monday preceding the
24 election. And then it was changed again after that and
25 weekend was -- so as I previously -- one week and the

1 Monday were eliminated. The second time the weekend in
2 between the two weeks was eliminated.

3 THE COURT: Okay. And so we haven't had a
4 presidential election since that elimination; is that
5 right?

6 THE WITNESS: We had the gubernatorial, but we
7 have not had a presidential, that's right.

8 THE COURT: And so what were the lines like in
9 the gubernatorial election where you had to do without
10 weekends?

11 THE WITNESS: Long. I'd say 40-minute wait time
12 and possibly longer at peak voting periods.

13 THE COURT: And are these common at all of the
14 polling places in Milwaukee? Earlier in your testimony
15 you identified a handful or a half-dozen wards that were
16 particularly problematic.

17 THE WITNESS: I may have misunderstood. I
18 thought we were talking about in-person absentee voting.

19 THE COURT: We were. But you highlighted some
20 wards or districts that were particularly problematic from
21 your perspective in the sense that they had a particularly
22 high proportion of voters in poverty.

23 THE WITNESS: My intent in sharing that was to
24 indicate which districts in the city where we were seeing
25 the greatest level of voter participation at in in-person

1 absentee voting.

2 THE COURT: So that in-person absentee voting,
3 does it correlate with the poverty level of the district?

4 THE WITNESS: It does, particularly during --
5 when we were able to offer the weekend hours --

6 THE COURT: Okay.

7 THE WITNESS: -- we saw the greatest
8 representation from the districts that have the highest
9 population of people in color, people in poverty.

10 THE COURT: Then in that gubernatorial election
11 where you didn't have the weekends, could you detect a
12 discernible effect there?

13 THE WITNESS: I'm not --

14 THE COURT: I'd expect then, if you eliminate the
15 weekends and the weekends are particularly important for
16 your voters that are people of color or they're in
17 poverty, I would expect then that the use of absentee --
18 in-person absentee voting would kind of equalize that if
19 you take away the weekends.

20 THE WITNESS: It's -- you know, the challenge in
21 all of this I think, in terms of providing numbers and
22 statistics, is the apples-to-apples comparison. So it's
23 hard to go back and say, how did in-person absentee voting
24 for a gubernatorial compare to in-person absentee voting
25 for a presidential, because they're two very different

1 elections in terms of which voters turn out and voter
2 participation. I'm struggling with how to answer that
3 question.

4 THE COURT: Okay. All right. Okay. Very good.
5 Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. KAWSKI:

8 Q. Thank you. Hello, Mr. Albrecht. Craig Kowski. We
9 met at your deposition on April 19th, right?

10 A. Correct. Nice to see you again.

11 Q. Good to see you, too. Judge Peterson was just
12 asking your -- he mentioned that there was a 45-hour limit
13 on in-person absentee voting. That is not correct.

14 A. 55-hour. I'm sorry.

15 Q. Sure. And there was a 45-hour limit in the law when
16 it was passed, but that was vetoed by Governor Walker; is
17 that correct?

18 A. I believe so, yes.

19 Q. You were talking about Plaintiffs' Exhibit 132, which
20 was a November 5th, 2012 letter. And we don't need to
21 bring it up. But that letter dealt with election
22 observers and a complaint that you made to Bruce Landgraf
23 at Milwaukee County DA's Office and to Kevin Kennedy at
24 the GAB?

25 A. I recall the letter, yes.

1 Q. And so the three to eight-foot rule that is at issue
2 in this case was not in effect then?

3 A. That's correct.

4 Q. There was a different rule in effect then?

5 A. It would have been at that time I believe the six to
6 twelve feet.

7 Q. But that didn't stop those observers from hassling
8 this one voter?

9 A. That would be correct. It probably would not have.
10 They were going to disregard the observer rules no matter
11 what the range was.

12 Q. Okay. Is it true that in state law there is a
13 statute that provides that if you need to get off from
14 work to vote that you can be given leave for that purpose
15 without being penalized by your employer?

16 A. Unpaid leave with permission from your employer, yes.

17 Q. And so when you were talking about people that work
18 and have difficulty getting off of work, that law would
19 apply to them, correct?

20 A. It would apply to them. I would agree with that. I
21 would also say I think it can be very challenging for
22 people to approach an employer and ask for time off to
23 vote.

24 Q. But the law requires it?

25 A. It does, sure.

1 Q. You talked again -- Judge Peterson brought out the
2 issue of the ceiling of absentee voting, right?

3 A. Yes.

4 Q. Can you quantify what the rate would have been were
5 that ceiling not hindering, in your opinion?

6 A. I believe we would certainly see rates of in-person
7 absentee voting comparable to other municipalities in the
8 state of Wisconsin. And I say that just based on what I
9 know -- well, I can't think of any reason why we would lag
10 behind it. But I certainly know there's a public interest
11 in in-person absentee voting. It's a national trend.

12 Q. Right. And that national trend has not abated in
13 Wisconsin; is that correct?

14 A. Has not --

15 Q. Has not stopped; the trend is still continuing
16 onward?

17 A. That's correct.

18 Q. Even in Milwaukee?

19 A. That's correct.

20 Q. So again you are not able to quantify what the rate
21 of in-person absentee usage would be were there not this
22 "ceiling"; is that right?

23 A. I can only speculate that I believe it would be
24 comparable to other municipalities in the state of
25 Wisconsin.

1 Q. And referring to Plaintiffs' Exhibit 54, which was
2 the table, do you recall that?

3 A. Yes.

4 Q. Again we don't need to bring it up. But you're not
5 someone who is trained in statistics, correct?

6 A. That's correct.

7 Q. And you are not someone who knows what it means to be
8 statistically significant in terms of some data?

9 A. Are you asking if I'm a professional statistician?

10 Q. Basically, yes.

11 A. I gather data, I analyze data, it is inherent to the
12 responsibilities of my position. But, no, I'm not a
13 professional statistician.

14 Q. And so when you made the selections of the
15 municipalities in that table, what did you do to make them
16 random?

17 A. Well, I looked for both geographic diversity and
18 diversity in population.

19 Q. Judge Peterson observed that the Town of Hixton from
20 Jackson County was somehow in there. Why did you pick
21 that one?

22 A. To show what the voting population was of a town that
23 actually had a lesser rate of in-person absentee voting
24 than the city of Milwaukee. And that was a municipality
25 that I believe had three absentee voters.

1 Q. And so the analysis you did in that table, you don't
2 know if it was statistically significant to any degree, do
3 you?

4 A. I do not.

5 Q. And you don't know if there were any errors in terms
6 of like error rates or comparison deficiencies that a
7 statistician might know?

8 A. I do not.

9 Q. And you were the one that prepared or selected those
10 municipalities?

11 A. That's correct.

12 Q. Again based on GAB data that's publicly available?

13 A. That's correct.

14 Q. Okay. And you talked about an analysis that you did
15 with regard to the city lagging in turnout comparing the
16 2008 to 2012 to 2016 elections, right?

17 A. That's correct.

18 Q. And you said the city lagged in 2008 behind -- was it
19 behind the rest of the state at one 1.8%?

20 A. Behind the state average.

21 Q. Okay. Behind the state average. And that would be
22 for eligible voters who turned out?

23 A. That's correct.

24 Q. And you said the city lagged in 2012 by 3.4%?

25 A. I believe so, yes.

1 Q. And then you said the city lagged a little bit under
2 10% for 2016?

3 A. That's correct.

4 Q. Those were all for the April elections for those
5 years?

6 A. For the presidential primary. In 2008 the
7 presidential primary occurred in February.

8 Q. In 2008 and 2012 President Barack Obama was in those
9 primary elections, correct?

10 A. Correct.

11 Q. But he was not in the 2016 presidential primary
12 election?

13 A. Correct.

14 Q. Okay. You were here for Ms. Johnson's testimony,
15 correct?

16 A. I was, yes.

17 Q. And you heard her talk about online voter
18 registration?

19 A. I did, yes.

20 Q. And you heard me ask her follow-up questions about
21 when online voter registration comes online, does that
22 eliminate paper registration?

23 A. Correct. Yes, I did hear that.

24 Q. Was her understanding of the law correct?

25 A. I don't believe so.

1 Q. And why wasn't it?

2 A. I believe you can still register to vote by mail once
3 online registration becomes effective.

4 Q. Why don't we please bring up -- we'll take a look
5 at -- put on the screen Defendants' Exhibit 97. It's a
6 little small right now, but do you recognize what that
7 document is?

8 A. I do.

9 Q. And what is it?

10 A. It's the Government Accountability Board's
11 application for an absentee ballot by mail.

12 Q. And if we could zoom in. So the Milwaukee Election
13 Commission processes a large number of these applications
14 for every election?

15 A. A fair number, yes.

16 Q. Take a look about halfway down the page. And do you
17 see No. 5 there?

18 A. I do.

19 Q. And what is No. 5, this section of the application,
20 addressing?

21 A. How the person would prefer to receive their absentee
22 ballot.

23 Q. And what are the options that available?

24 A. By mail, by voting in the clerk's office, by fax if
25 they are a military or permanent-overseas-only voter, or

1 by e-mail if they are a military and permanent overseas
2 voter.

3 Q. Okay. If we could scroll to No. 6 there. Do you see
4 No. 6?

5 A. I do.

6 Q. And what does No. 6, that section of the application,
7 indicate?

8 A. Which elections the voter is requesting an absentee
9 ballot for -- either a specific election, an election
10 cycle -- or if certifying they're indefinitely confined
11 permanently.

12 Q. So this application would allow a voter to specify
13 specific elections in a year to receive absentee ballots?

14 A. Yes.

15 Q. And it would also allow a voter to indicate that they
16 would like to receive ballots -- absentee ballots for all
17 elections from that day's date through the end of the
18 calendar year ending December 31st, correct?

19 A. It provides that option, yes.

20 Q. And then the last option is for those that are
21 permanent absentee voters that would receive absentee
22 ballots on a going-forward basis indefinitely?

23 A. Assuming they certify that they are indefinitely
24 confined, yes.

25 Q. And so the mail absentee option here that someone can

1 get the ballot mailed to them, when would the mailing of
2 those ballots occur or when does it have to occur by?

3 A. Well, it usually has to occur within a day for
4 everyone that has an application on file, within a day of
5 ballots becoming available to a clerk.

6 Q. So, for example, in the upcoming August 9th election
7 do you know the day when those ballots would have to go
8 out?

9 A. I don't, no. I don't know the exact date that
10 ballots have to be available to clerks. I know ballots
11 have to go out the next day.

12 Q. So would it be roughly sometime in June of this
13 year -- say June 18th, the 23rd -- when absentee ballots
14 would have to go out?

15 A. Correct. It's in that range.

16 Q. Okay. Do you know what no-excuse absentee voting is?

17 A. I do.

18 Q. What is that?

19 A. That a person doesn't have to have any form of an
20 excuse to request an absentee ballot.

21 Q. And Wisconsin is a no-excuse absentee voting state?

22 A. It is. Correct.

23 Q. And so when a voter wants to choose the mail absentee
24 ballot option, they would not have to show any excuse to
25 do that?

1 A. Correct.

2 Q. And that would be a convenient option for the voter
3 who can do it, again can show their photo ID, to avoid the
4 in-person absentee lines that you talked about?

5 A. I wouldn't necessarily agree with use of the word
6 *convenient*, but it is an option for voting, yes.

7 Q. And it could be convenient for a voter if they don't
8 have to stand in line, correct?

9 A. Again I'm not going to agree with you on *convenient*,
10 but it is an option versus standing in line, yes.

11 Q. So standing in line is very convenient?

12 A. I didn't say that either.

13 Q. Okay.

14 THE COURT: Let's just put it this way: what
15 exactly is the disadvantage for the -- and I think you
16 touched on it before, but you can underline it here again
17 in cross -- what's the disadvantage to doing the absentee
18 voting by mail?

19 THE WITNESS: I think the greatest disadvantage
20 to doing the absentee voting by mail is it relies on a
21 third party, which is the Postal Service. And we've
22 had -- well, two things. There's that. We've had
23 situations where, I mean dozens of times in just this last
24 April election, where voters have mailed their ballots
25 back to us and the Post Office has returned the ballot to

1 the voter. We've had ballots --

2 THE COURT: Is that because the envelope looks so
3 crazy?

4 THE WITNESS: Probably, yes. Believe me, we've
5 tried to explore this with the Post Office. We've had
6 situations where ballots are postmarked well before the
7 election and we don't receive them until after the
8 election.

9 So, you know, in terms of public assurance and how
10 someone can feel confident that their ballot is actually
11 going to be counted in an election, I would be hesitant to
12 recommend absentee voting by mail.

13 I would add to that, the certificate envelope that we
14 saw earlier -- which maybe to us as, you know,
15 well-educated people, we could navigate our way through
16 that context -- we literally get hundreds of ballots from
17 voters that are lacking their signature, that are lacking
18 their witness's signature and are therefore noncompliant
19 in terms of having their ballots counted.

20 THE COURT: Just for my clarification, that
21 certification envelope, that's inside the envelope that
22 the Post Office delivers, correct?

23 THE WITNESS: Correct. There's an outer
24 envelope. When they open it there's the inner envelope,
25 which is their return mail envelope, and that has the

1 certificattion statement on it.

2 THE COURT: But even that outside envelope is a
3 little bit unusual from the Post Office perspective?

4 THE WITNESS: It's a little easier than the
5 inside envelope because the information on the inside
6 envelope, it's just much more text heavy.

7 THE COURT: Mm-mm. I'm just wondering why so
8 many of them are misdirected -- or maybe that's not so
9 many. Maybe that's just ordinary Post Office performance.

10 THE WITNESS: I don't know.

11 THE COURT: When I send an anniversary card to my
12 mom and dad I kind of expect it's going to get there. And
13 if it doesn't, I'll find out.

14 THE WITNESS: Right.

15 THE COURT: The Post Office has been pretty good
16 so far.

17 THE WITNESS: My bills work the same way and I
18 find out.

19 BY MR. KAWSKI:

20 Q. I kind of lost my train of thought, but I'll try to
21 get back on it. So if someone -- if a voter receives an
22 absentee ballot in the mail; if they feel that the mail is
23 not reliable, they can deliver their absentee ballot to
24 the municipal clerk, correct?

25 A. Correct.

1 Q. And so I think you're the one that informed me that
2 they can even make a request for an absentee ballot by
3 e-mail, correct?

4 A. That's correct.

5 Q. And there's no cost to that other than having to have
6 access to e-mail?

7 A. Correct.

8 Q. And otherwise if they make the request for a mail-in
9 absentee ballot by mail, the only cost to them is likely
10 one stamp?

11 A. Correct.

12 Q. And that could be significantly less than the cost of
13 driving to the polling place downtown Milwaukee, the
14 Zeidler Building, finding parking, taking the time out of
15 your day, getting off from work, all of that, correct?

16 A. That's correct. I guess I would say they have to
17 weigh convenience versus reliability. So it is -- it's
18 certainly a convenient way to vote, I will agree with you
19 on that. It's not the most reliable in terms of having
20 your ballot counted.

21 Q. You would agree that the cost to the City of
22 Milwaukee to offer an in-person absentee ballot is
23 comparable to that of offering a mailed absentee ballot?

24 A. I think I indicated previously that I've never done
25 that type of a cost analysis, but I could speculate as to

1 say they're probably comparable.

2 Q. And in your deposition we talked about the average
3 time it takes a person to vote absentee, right?

4 A. In-person absentee?

5 Q. In-person absentee.

6 A. Yes.

7 Q. And this is in the city of Milwaukee. And you said
8 that it takes about four minutes, correct?

9 A. Between two and-a-half and four minutes, yes.

10 Q. Two and-a-half and four minutes. You also said that
11 it takes less time for the voter to vote in person on
12 Election Day; is that right?

13 A. If I did say that, I'm not --

14 Q. Did you mean the opposite?

15 A. I meant the opposite, correct.

16 Q. So to make the record clear, it takes less time, on
17 average, in the city of Milwaukee for a voter to vote
18 in-person absentee than it does for them to vote in person
19 on Election Day?

20 A. It really depends on when the person appears at
21 in-person absentee. Sometimes the wait time can be longer
22 than if they had gone to their polling place on Election
23 Day, sometimes it can be shorter.

24 Q. But in general, on average, if a person wanted to
25 save time voting in person, they would go in-person

1 absentee rather than on Election Day?

2 A. I'm uncomfortable with that type of speculation
3 because there's so many factors to consider in terms of
4 where they vote and what the wait times are at their
5 specific polling place. I can't generalize.

6 Q. Okay. Can we pull up page 83 of Mr. Albrecht's
7 deposition? And I'll show you where we discussed this
8 topic. If you could look at lines 12 and 13. Here you
9 see I asked you about in-person absentee voting and you
10 said it can take four minutes.

11 And I asked you: "Okay. So compare that to someone
12 voting in person on Election Day. Is it longer than four
13 minutes on Election Day or shorter?"

14 And your answer was: "It is shorter than voting on
15 Election Day."

16 And I was taken aback by that and I said: "It is
17 shorter than voting on Election Day?"

18 And you said: "Uh-huh."

19 Do you see that?

20 A. So I guess I'm -- I'll admit I'm confused by the line
21 of questioning. I know we were talking about wait time.
22 If we're talking actual process, how long it takes from
23 the moment the person appears at the table, it is shorter
24 at in-person absentee voting than it is at a polling place
25 on Election Day.

1 Q. And that is because of the issue of not having a poll
2 book --

3 A. Correct.

4 Q. -- on the in-person? And on Election Day you do have
5 a poll book and you have to address that issue?

6 A. Correct.

7 Q. Okay. So you talked about Wisconsin being a leader
8 in election administration, correct?

9 A. I did, yes.

10 Q. And Wisconsin has very high turnout rates nationally,
11 correct?

12 A. It does, yes.

13 Q. And it still does to this day?

14 A. I don't know. I guess we'll find out in the 2016
15 presidential election.

16 Q. Okay. Nationally it has been in the top five for
17 turnout?

18 A. It has been, yes.

19 Q. Okay.

20 THE COURT: Just a clarification: when you
21 evaluate turnout rates, do you just compare presidential
22 elections because you feel like you've got the same sort
23 of context for comparison state to state?

24 THE WITNESS: Well, with what's being referenced,
25 I don't actually do the comparison. You can go to

1 websites and look at percentages of voter participation
2 state by state in presidential elections. And Wisconsin
3 has pretty consistently emerged as second.

4 THE COURT: Mm-mm. Okay. All right. But the
5 comparison is presidential elections?

6 THE WITNESS: Correct.

7 THE COURT: Okay.

8 BY MR. KAWSKI:

9 Q. You would agree that the voter ID requirement only
10 adds, on average, about 15 to 30 seconds to process a
11 voter?

12 A. It can depend.

13 Q. I asked you this question in your deposition and
14 that's what you said.

15 A. Okay.

16 Q. You also agree that 99.5% election observers respect
17 the state's election observer rules?

18 A. That's correct.

19 Q. We're going to take a look now -- this is really the
20 last area of questioning -- at the Milwaukee Election
21 Commission website. And would you say that it confused
22 voters to provide inaccurate information to them?

23 A. It can, yes.

24 Q. And why is that?

25 A. Could you repeat the question?

1 Q. Sure. Why is it confusing to voters to provide them
2 inaccurate information?

3 A. Because they need accurate information.

4 Q. Okay.

5 THE COURT: Before we go on, is this an exhibit
6 that we're looking at?

7 MR. KAWSKI: It is not an exhibit.

8 THE COURT: You just pulled it up live?

9 MR. KAWSKI: Just pulled it up live, yep.

10 BY MR. KAWSKI:

11 Q. So if you'll scroll up to the top of that, do you see
12 that -- do you recognize that as the Milwaukee Election
13 Commission's website?

14 A. I do.

15 Q. And if you could scroll down. Do you see also that
16 this is a page about voting by absentee ballot?

17 A. I do, yes.

18 Q. Do you recognize this page?

19 A. I do.

20 Q. Could you please scroll down? And you see that
21 there's a heading or bolded language: *There are two ways*
22 *to vote an absentee ballot before any election?*

23 A. Yes.

24 Q. And you see in that No. 1 it states, "Hours are 8:30
25 a.m. to 4:30 p.m., Monday through Friday, in City Hall";

1 do you see that?

2 A. Yes.

3 Q. Is that accurate information?

4 A. For the partisan primary it was --

5 Q. Okay.

6 A. -- or will be, yes.

7 Q. Okay. So is it accurate for the "begins Monday,
8 October 24th, ends at 5 p.m. on Friday," and you're saying
9 that "November 4th, no weekends"?

10 A. Correct.

11 Q. That's all accurate information?

12 A. I believe so, yes.

13 Q. Okay.

14 A. I don't have a calendar in front of me, but...

15 Q. Okay. All right. Let me just quickly go through my
16 notes, but I don't think I have any further questions.

17 One question about you talked about in the 2008
18 presidential election that there were 5,000 individuals
19 you estimated that voted in-person absentee?

20 A. Over the weekend.

21 Q. And you saw -- you characterized the elimination of
22 the weekend as there being "lost voters," you lost some
23 voters; is that right?

24 A. Correct. Yes.

25 Q. Do you have any ability to estimate the number of

1 voters you believe were lost because of the elimination of
2 the weekend absentee voting?

3 A. I do not.

4 Q. Do you think that that is something that can be
5 quantified?

6 A. I would say, based on my own experience working with
7 the voting population, that I would say anywhere -- and
8 talking to people who were there that weekend in terms of
9 why they were voting over the weekend and hearing the
10 challenges to them appearing at polling places on Election
11 Day or appearing during the week for in-person absentee
12 voting, I'd say anywhere from 5 to 10%. I would question
13 whether they would be able to vote at any other time but
14 the weekend.

15 MR. KAWSKI: Okay. I have no further questions.

16 THE COURT: Okay. We're at the point where I
17 would take an afternoon break. So depending on how long
18 your redirect is --

19 MS. WILSON: Three questions, Your Honor.

20 THE COURT: I'm skeptical, but nevertheless.

21 THE WITNESS: How about if I only answer three
22 questions?

23 THE COURT: That might be efficient, too. All
24 right. Yeah. If it's going to be short, let's do it and
25 then this witness will be finished and he can enjoy the

1 rest of the afternoon.

2 REDIRECT EXAMINATION

3 BY MS. WILSON:

4 Q. Do you recall that defendants' counsel was asking you
5 about the national trend in in-person absentee voting
6 going up --

7 A. Yes.

8 Q. -- even in Milwaukee?

9 A. Correct.

10 Q. Isn't it true that it has slowed significantly for
11 Milwaukee?

12 A. It has. We're not seeing the same growth rate that
13 we did previously or the same growth rate that is being
14 enjoyed by other municipalities.

15 Q. And he also asked you a question about whether
16 Ms. Johnson was wrong in some of the information that she
17 gave; do you recall that?

18 A. That's correct.

19 Q. Do you have any concerns that someone like Anita
20 Johnson would be inaccurate about the voting laws with
21 respect to the general public and their knowledge?

22 A. It didn't -- with all due respect to Ms. Johnson, and
23 I wish there were a lot more Anita Johnson's in the city
24 of Milwaukee -- it doesn't surprise me, given the
25 rapid-fire changes that we are experiencing and they're

1 ongoing. We're talking about a change that hasn't even
2 occurred yet that people are confused. I believe her
3 response to that question was representative of the
4 vastness of the confusion around election law.

5 Q. And what I meant -- I guess I asked a poor question.
6 If someone like -- my question should have been, if
7 someone like Ms. Johnson can be confused over the voter
8 election laws, what do you think, given your experience,
9 about the general public's confusion?

10 MR. KAWSKI: Objection. Calls for speculation.

11 THE COURT: I think it does, but go ahead. I
12 think this point has probably taken more time to get than
13 it's really worth here, but go ahead.

14 A. You know, I think that if someone like Ms. Johnson is
15 confused that you can magnify that a thousand-fold and
16 that probably represents the public confusion.

17 Q. And finally, last question about costs with respect
18 to mail-ins. You have to get a photo ID, right?

19 A. Correct.

20 Q. You've got to have a witness sign, right?

21 A. Correct.

22 Q. You've got to have -- you have to have the ability to
23 download the application, right?

24 A. You have to have the ability to either mail or e-mail
25 in your application. You don't have to use the

1 application form per se.

2 Q. And you've got to figure out all the signatures on
3 the envelope, right?

4 A. Correct.

5 MS. WILSON: Okay. Thank you.

6 THE COURT: All right. You were good to your
7 word, so thank you for that. So you are excused and we'll
8 take 15 minutes. We'll reconvene at 4:20 and then we'll
9 do our last session for the day, so see you in a few
10 minutes.

11 (Recess at 4:05 p.m. until 4:20 p.m.)

12 MR. SPIVA: Your Honor, are you ready for us to
13 call our next witness?

14 THE COURT: Before I have you call your next
15 witness, I just want to offer what I think are -- you can
16 consider it kind of a preliminary ruling on the testimony
17 from Mr. Albrecht. I don't think that he really offered
18 what I regard to be expert opinion, at least not among the
19 testimony that I'm likely to credit. I don't think that
20 his -- the data that he presented really is rigorously
21 statistical.

22 But I think to look at it as statistical evidence
23 kind of misunderstands the nature of it. It's really not
24 statistical in the sense that it is information that's
25 derived by sampling like a survey is where we would expect

1 the sampling to be tested for statistical significance.

2 His information really is in the form of a
3 measurement. And when you have measurement, which is
4 essentially what he has, a tabulation of voting numbers,
5 and so I'm sure there's at least some potential for some
6 error that's frankly inconsequential of a few voting -- a
7 few voters.

8 But I think that essentially he's got turnout data
9 and I think that it is, although couched in terms of
10 percentages, it's not really statistical evidence. So I
11 don't think the objection that it isn't shown to be
12 statistically significant is really the pertinent
13 objection here with respect to the raw data.

14 I do have my concerns about the fact that he offered
15 his opinions about why the data was what it was. And so
16 to that extent I think he was skirting on the edge of what
17 might be objectionable as an undisclosed expert opinion.

18 I have to say I'm not totally persuaded that I can
19 understand from Mr. Albrecht's testimony exactly what that
20 data is supposed to mean to me. I don't know why the
21 numbers are what they are. I have his theories about the
22 capacity ceiling which might account for a lower
23 exploitation of the absentee voting opportunities in the
24 larger cities in Wisconsin, but I don't know that his data
25 actually really shows that.

1 And, as I anticipate in this case, I get kind of a
2 combination of measurement data, I expect I'm probably
3 going to see some more properly statistical data from the
4 experts, and then I get a lot of anecdotal data. And the
5 anecdotal stories are sometimes compelling and they're
6 sometimes really plausible, but I'm not sure quite how far
7 I want to take them.

8 I think, for example, it's completely plausible, it's
9 almost inescapable, that if you narrow the window for
10 in-person absentee voting, those votes are either going to
11 go to some other time when -- so, for example, the weekend
12 votes, they're either going to show up when the absentee
13 window is open or on Election Day. By definition, they're
14 either going to go to one of those times when the votes
15 are accepted or they're going to be too burdensome to go
16 through the process and they're not going to vote.

17 So I guess it's really probably a given that some
18 people aren't going to vote if you take away Saturday
19 voting. But I don't know how many people that's going to
20 be and I didn't hear anything from Mr. Albrecht that
21 really allows me to figure out how many people those would
22 be.

23 And when he tells me, based on anecdotal data, that
24 he estimates that it might be a dozen or a hundred or
25 whatever, that's information I don't think is really going

1 to be reliable enough for me to rely on to say, yes, the
2 consequence of taking away Saturday voting resulted in
3 approximately a hundred people not voting in Milwaukee.
4 That's too speculative.

5 So, anyway, my reaction is that although
6 substantially I'm overruling the objection about the
7 undisclosed expert opinion, I didn't hear opinions that I
8 think I'm likely to credit very much. So it's kind of my
9 preliminary ruling is that I don't see his testimony as
10 objectionable. It might just not be as informative as
11 plaintiffs think it might be.

12 So I'm telling you this now because I think it might
13 facilitate your presentation of the evidence as we go
14 along to have my take on what I'm hearing from the
15 witnesses. I'm not necessarily going to do it every time,
16 but I suspect that similar issues might come up with some
17 other witnesses. So with that, let's call our next
18 witness.

19 MR. SPIVA: Our next witness is Reverend Willie
20 Brisco.

21 (4:28 p.m.)

22 **REVEREND WILLIE BRISCO, PLAINTIFF'S WITNESS, SWORN**

23 DIRECT EXAMINATION

24 BY MS. WILSON:

25 Q. Good afternoon, Reverend.

REVEREND WILLIE BRISCO - DIRECT

1 A. Good afternoon.

2 Q. Can you please state and spell your name for the
3 record?

4 A. Reverend Willie E. Brisco, W-I-L-L-I-E; middle
5 initial E; B-R-I-S-C-O, no E on the end.

6 Q. And where do you live, sir?

7 A. I live in Milwaukee, Wisconsin.

8 Q. And how long have you lived in Milwaukee?

9 A. I've lived in Milwaukee, Wisconsin since 1965.

10 Q. Where were you born?

11 A. I was born in Sardis, Mississippi.

12 Q. And when did you move to -- I'm sorry. Strike that.
13 Why did you move from Mississippi?

14 A. I moved from Mississippi with my mother, who was a
15 single mother at the time. The only jobs that she could
16 get was domestic or agricultural. There were no other
17 jobs and no other means of supporting herself. So she
18 didn't want her child to be raised in that system.

19 Q. And do you have a certified birth certificate?

20 A. Yes, I do.

21 Q. Did you have one when you were born?

22 A. I had one when I was -- two days after I was born
23 which gave the erroneous birth date of November the 10th
24 instead of November the 8th when I was actually born.

25 Q. And have you ever corrected your birth certificate?

1 A. From 1953 to 1983 it took me that long to get a
2 corrected birth certificate.

3 Q. And why did it take so long?

4 A. Because I was born at home to a midwife. And at that
5 time there were certain hospitals that weren't delivering
6 children of African Americans. I was born in 1953. So
7 there were clinics that weren't nearby. So we had
8 midwives that delivered at home. I was taken to the
9 hospital two days after my delivery. And the hospitals in
10 that area, most of all the south recorded your birth date
11 as the first date you entered the hospital, and I did not
12 take the word of the midwives.

13 Q. What's your current occupation?

14 A. I am retired currently and I am an associate minister
15 at New Covenant Baptist Church. I am also the president
16 of the state organization WISDOM; president emeritus of
17 MICAH Milwaukee, which is Milwaukee Inner City
18 Congregations Allied for Hope; also the president of the
19 African American Leadership Council of the Gamaliel
20 Foundation, which is the national foundation that both
21 MICAH and WISDOM belong to.

22 Q. What is WISDOM?

23 A. WISDOM is a compilation of state organizations that
24 do social justice work, whereas 11 affiliates scattered
25 throughout the state of Wisconsin we do work with

1 education, immigration, jobs and economics and right now
2 we are working on prison reform.

3 Q. And how is that different than what you did before
4 with MICAHA?

5 A. It actually is accentuating what I did with MICAHA.
6 It's on a state level and with Gamaliel it's more on a
7 national level.

8 Q. And what about Familia?

9 A. La Familia --

10 Q. *La Familia*.

11 A. -- or *Voces de la Frontera*, are the Hispanic groups
12 that we work with. We work with them on immigration,
13 education and also jobs and employment programs.

14 Q. La Familia is mostly Hispanic population?

15 A. Mostly Hispanic population. We work with them on
16 voter registration, Voter ID, all of those things that
17 deal with immigration.

18 Q. How about MICAHA, was that predominantly African
19 American?

20 A. It was designed to be ecumenical. It was formed in
21 1988 by a group of Lutheran and Baptist pastors to work on
22 social issues within the community of Milwaukee. At that
23 time Milwaukee was suffering from red-lining. There was
24 no ability for minorities to get loans that are comparable
25 up to the people of other color.

1 And they worked on those issues securing bank loans.
2 They secured something like over \$550 million worth of
3 loans for the inner city of Milwaukee to help first-time
4 homeowners to move from apartments and from those areas of
5 depression to become first-time homeowners.

6 Q. And what is the WISDOM, is that predominantly African
7 American, also?

8 A. Actually WISDOM is predominantly of white
9 organizations. It's 11 affiliates throughout the state as
10 far away as Eau Claire, Wausau, Green Bay, Appleton. The
11 most predominantly African American affiliates are in
12 Milwaukee, Racine, Kenosha and Madison.

13 Q. Do you do voter outreach with all of these groups:
14 WISDOM, MICAH, and La Familia?

15 A. Yes, we do.

16 Q. And with all of these groups -- WISDOM, MICAH, and La
17 Familia -- do you also do training in the voter laws?

18 A. Yes, we do. I'm also on the board of Citizen Action,
19 which is Anita Johnson, so we work closely with Citizens
20 in Action and voter turnout and voter engagement.

21 Q. You guessed my next question about whether you had
22 partners that you worked with.

23 A. Yes.

24 Q. Do you work with anyone other than Citizen Action?

25 A. Wisconsin Jobs Now. We work with Wisconsin Council

1 of Churches. We work with Interfaith Coalition of
2 Milwaukee. We work with the Muslim faith community of
3 Milwaukee. We're ecumenical. We have just about every
4 denomination under our umbrella except we don't have
5 Buddhist yet.

6 Q. You said you were an associate minister?

7 A. Yes.

8 Q. And have you been a minister for other churches?

9 A. I speak at all of the MICA churches and I speak at
10 the churches throughout the state. There are 48 churches
11 within the MICA organization itself within Milwaukee. So
12 I am affiliated with most of the Baptist churches, the
13 Lutheran churches within the confines of Milwaukee.

14 Q. And what population do you serve?

15 A. I predominantly serve the African American population
16 and the poor, the disenfranchised. Milwaukee is a unique
17 community. It's kind of an inner city that's surrounded
18 on all sides by suburbs of affluence. There are no
19 African American suburbs in Milwaukee. All of the
20 concentration of the African American and the poor are
21 basically within the inner city and there are really no
22 viable transportation means to get them out of the city.
23 For lack of better words, I call it a *plantation*.

24 Q. Okay. When did you become a reverend?

25 A. In actually '07 I was called, but in '08 I became

1 official.

2 Q. And why did you become a reverend?

3 A. That's easy. I had a calling from God --

4 Q. Okay.

5 A. -- directly.

6 Q. And prior to being a reverend, what did you do?

7 A. My career was in corrections, 25 years at the
8 Milwaukee County House of Correction. I entered the
9 facility as a Correctional Officer I. I retired as an
10 assistant superintendent.

11 Q. What type of training do any of your organizations
12 give with respect to voter laws?

13 A. We, especially throughout the national affiliate, we
14 have a training that's called *Week Long*. That's before
15 you enter the organization. It's usually held in some
16 city within the confines of the United States, as far away
17 as California and it's as close sometimes as Chicago.
18 Within that five-day period you are taught training in how
19 to address media, how to do organizing, how to raise
20 funds, how to engage voters, how to recruit voters and how
21 to train other trainers.

22 Q. And what do you mean, "engage voters?"

23 A. It is one of the tougher demographics they have in
24 the inner city is the very old and the very young. The
25 very old feel that they have been disenfranchised or

1 disinherited. Because most of them have ties from the
2 south, they feel that they had experienced some of the
3 traumas that happened in that area. They don't trust
4 government and they feel that their vote doesn't count.

5 The young very young feel the same way. They feel
6 that they are put up on by authority, they feel that they
7 are under scrutiny, and they feel that a vote is just
8 electing that same authority, that their vote somehow
9 doesn't count.

10 Q. And what did you mean when you say "recruiting
11 voters?"

12 A. We -- our basic tool is door to door. We do training
13 of all of our organizers and all of our operatives. We'll
14 go door to door in some of the hardest-hit communities
15 talking to the individuals about what do they think would
16 improve their community and how they can get out and make
17 a difference in their community and, if they would vote,
18 regardless of who or how they voted, they would see a
19 difference in their community.

20 Q. Do you -- do any of your organizations train in voter
21 registration?

22 A. Yes, yes. And we actually rely on Ms. Johnson and
23 Citizen Action Wisconsin, Jobs Now and a lot of our
24 affiliates to help with that training, and Wisconsin
25 Voices.

1 Q. And do you, with any of your organizations, do you
2 give any training in Voter ID law?

3 A. That is a new field for us. We are really being led
4 by the Citizen Action and the League of Women Voters and
5 the League of Young Voters right now in helping us get
6 this word out and educate the public.

7 Q. And how do you get the word out other than door to
8 door?

9 A. We use one of our best tools to get the older
10 demographics out of churches. We try to make sure that
11 each church has someone in there registered, as just like
12 Ms. Johnson is one of the poll workers. We make sure that
13 there are registrars. We make sure that they are
14 somewhere within our church or the ministries; that we
15 emphasize to individuals that there are new laws coming
16 and they must prepare themselves for it, because it's
17 going to be the wave of the future. And we let them know
18 that regardless of how you feel that the laws are being
19 put in place. We must be prepared for them in order to
20 address them.

21 Q. You said about the organizations, you used the term
22 *social justice*. What did you mean?

23 A. It basically deals with the least of those. We take
24 off from the Civil Rights Movement and move it into
25 another step further. We include all of the poor and the

1 disenfranchised of our communities: those who don't have a
2 choice, those who may be marginalized to think that they
3 don't have a way to have their voices heard. We ask them
4 to join us and we will speak for them. We ask them to
5 speak with us. And we let them know that there is a new
6 civil rights war that's going on and it's just not
7 attacking people of color; it's attacking people of status
8 and the people class and especially the middle class.

9 Q. So you are aware that there have been changes in the
10 election laws, correct?

11 A. Very aware.

12 Q. And the judge has been very kind and said I don't
13 have to go through each and every change. So let me just
14 ask you directly and that way I don't have to keep you
15 very long. Has changes in the voter laws affected the
16 people from your organizations from MICAHA, La Familia and
17 WISDOM?

18 A. My honest opinion?

19 Q. Always honest of course.

20 A. I have not met one individual from any organization,
21 from any inner city home, from any place that I have gone
22 that do not think that these are punitive and that they
23 are directed responsibly and irresponsibly to eliminate
24 and to marginalize the vote.

25 Not one person in my church, not one person in my

1 organization feel that these new rules are necessary and
2 that they provide integrity to the process. As a matter
3 of fact, if they provided integrity, they would make it
4 easier to vote and they would make every individual in
5 this country able to vote without any hindrance.

6 Q. What impact, for example, has the Voter ID had on
7 your community?

8 A. I testified in the court case before in Milwaukee.
9 And before I was going to that court case I stopped by my
10 mother's house because I remembered as a child in
11 Milwaukee -- I mean, in Mississippi, I never heard anyone
12 talk about registering to vote, even though I knew there
13 were Freedom Riders about and that Dr. King had been
14 through.

15 And my mother told me, "No, you didn't, because it
16 wasn't worth it because we felt that it was the safety of
17 the family and the sanctity of our jobs and our house and
18 our communities were worth more than voting at that time."
19 So it took me years in Milwaukee to convince my mother
20 that it was safe to vote and that her vote counted.

21 And I saw that personally, personally with my own
22 eyes. And I see it now when I talk to some of the older
23 people in my church that stated this is just another way,
24 another effort, to thwart and to keep them suppressed.

25 Q. What is it about Voter ID that they feel that it's a

1 way to keep them suppressed?

2 A. Well, the older individuals, especially some of the
3 individuals that were born in the south, never went to the
4 hospital. They never went to the clinics to get their
5 official birth dates. So most of them were done later by
6 affidavit. And a lot of them actually went through life
7 without having a proper birth certificate, so now they're
8 beginning to apply for those.

9 My mother, who passed in November, she had her actual
10 birth certificate that the hospital had given. But she
11 had given her correct birth date to the insurance
12 companies that had her burial insurance and they would not
13 honor the two birth dates because there was discrepancy.

14 So I had to make sure that we went back through the
15 records, through the records in Wisconsin, and we had to
16 petition Jackson, Mississippi to get her original birth
17 date and get the affidavit to jibe together in order for
18 them to release money for her insurance. That's just one
19 of the examples of what happens when individuals have to
20 go back and get voter ID and birth certificates.

21 Q. But that wasn't caused by Voter ID, was it?

22 A. No, it wasn't caused by Voter ID. But the way it is
23 now, those individuals who have now worked for years, who
24 have retired and who never really had their birth
25 certificate adjusted now are going to have to go through

1 that same procedure when they try to get their accurate
2 birth certificate and accurate ID to get the voter ID to
3 vote.

4 Q. I see. Let's talk about the changes in voter
5 registration. How has that impacted the people you serve?

6 A. Well, we do a lot of canvassing and we canvass around
7 just every church and organization. We have 48 churches.

8 Q. Let me stop you for a second. I've heard that word
9 *canvassing*. What do you mean by that?

10 A. That means we get together with our organization and
11 other organizations and go door to door through the
12 neighborhood checking on residents, asking them their
13 opinion on what's happening in their city, asking them how
14 they feel that they can get engaged and if they want to be
15 engaged, if they want to be contacted, if they want to be
16 put on a list to be kept abreast of what's happening in
17 their community. So we do that on a pretty regular basis.

18 And in doing so we find out that a lot of the younger
19 people in the community are transient, which means they
20 move just about every six months. And if you move ten
21 blocks away from where you originally stayed and if you
22 don't have transportation -- that has become a barrier in
23 Milwaukee now with crime and with gangs -- that makes it
24 difficult for young people to traverse those
25 neighborhoods.

1 Older individuals, we find out, only come out a lot
2 of times to go to church and when there is van service.
3 So you don't find them out very much during the week, you
4 don't find them walking, even sitting on the porch
5 anymore.

6 Q. Have you heard something called *Souls to the Polls*?

7 A. Yes, I have.

8 Q. What is that?

9 A. One way of reaching that same demographic when you
10 have the elderly and old people at church and the young
11 people who do don't have transportation. When you have
12 them in the church you can now provide vans and access for
13 them to go to the polls on Sunday after service. The vans
14 would ferry them downtown, which is very difficult to
15 traverse during the week because of the traffic and you
16 have all the municipal workers down there. On Sundays and
17 Saturdays we found it an easy and very accessible way to
18 get them back and forth from the polls from home and from
19 church.

20 Q. And so did the elimination of weekend voting, did
21 that impact *Souls to the Polls*?

22 A. Yes, it does, very much so, because you don't have
23 that in-house -- that congregation that's there on Sunday
24 that you can basically ferry back and forth to the polls
25 and to home. You don't have that availability on Saturday

1 to get them back and forth to the polls.

2 Q. Have you attempted to do anything to sort of
3 substitute for the time -- the opportunity that you lose
4 with the elimination of voting on the weekend?

5 A. We are human beings and we can adapt to just about
6 anything that's being placed on us or that's being placed
7 on us in an amenable fashion. So we are, right as you
8 speak, trying to come up with alternatives to make sure
9 that we don't lose that demographic. But that doesn't
10 make it any less punitive or any less underhanded.

11 Q. When you say "punitive," what do you mean?

12 A. What I mean is that you put another layer of
13 responsibility on people who already question the layers
14 that you already have, so you put another one on top of
15 that, now it's a psychological measure where they keep
16 saying, every time we jump through one hoop they create
17 another one. And that is what's on the minds of most of
18 the individuals. Nobody sees this as equitable. Nobody
19 sees this as anything that's done with integrity. They
20 all know why it's being done.

21 Q. And why do you say that they don't see it as having
22 to do with integrity?

23 A. Because you never penalize the innocent to catch the
24 guilty. Even if you disenfranchise one guilty person -- I
25 mean one innocent person, it is still not worth ten guilty

1 ones that you catch. If you disenfranchise one
2 law-abiding citizen from voting, that makes the whole
3 operation and integrity -- makes it flawed.

4 MS. WILSON: Thank you.

5 THE COURT: Cross-examination.

6 MS. SCHMELZER: Yes.

7 CROSS-EXAMINATION

8 BY MS. SCHMELZER:

9 Q. Good afternoon, Reverend.

10 A. Good afternoon.

11 Q. You stated that you believe every individual in this
12 country should vote?

13 A. Yes.

14 Q. Is that regardless of citizenship?

15 A. Every citizen of the United States. And before you
16 ask, even felons.

17 Q. So you believe felons should be able to vote?

18 A. Yes, because the only thing that you should lose as
19 right as a citizen is treason, and that's treason that is
20 proven by law.

21 Q. You talked about some individuals changing or solving
22 the problem of the day of their birth on their original
23 birth certificate being wrong by filing an affidavit,
24 correct?

25 A. Yes.

1 Q. Do you know of any individuals that have successfully
2 done that?

3 A. I know that I successfully did it and I know it took
4 me almost 30 years.

5 Q. People do that for reasons other than to vote
6 correct?

7 A. They do it for reasons of getting their birth
8 certificate to coincide.

9 Q. And you talked about the example with your mother
10 that when the insurance wouldn't pay because there was a
11 discrepancy in her birth certificate, correct?

12 A. Right.

13 Q. So even private actors might require some sort of
14 coincidence between what's on the birth certificate and
15 what you go by, correct?

16 A. Right, that's if you get two different birth dates.

17 Q. You also said that there's a problem with young
18 people and old people with transportation, correct?

19 A. Right.

20 Q. And it's difficult for them to get places throughout
21 the week, correct?

22 A. Yes.

23 Q. Wouldn't voting absentee by mail be a good solution
24 for that?

25 A. You also have to have stamps and envelopes. You now

1 have to have the ability to be engaged either through your
2 computer or through some type of electronic mail. We are
3 talking about individuals who are impoverished who are
4 basically day to day trying to survive. They're not
5 looking up voter regulation and voter registration. They
6 are surviving day to day. So when they hear about one
7 thing that they consider to be different, they disengage.

8 Q. You said part of your mission with the groups that
9 you work with is to educate voters, correct?

10 A. That's correct.

11 Q. Do you educate them on how to vote absentee by mail?

12 A. We do what we can within the time. The average time
13 at a door that people know that you can be affected is
14 about 60 seconds. And anything beyond 60 seconds you lose
15 the individual. So you can only cover so much in that
16 time and most of the time is engaged in getting them to
17 register.

18 Q. Do you let them know that the postage to send back
19 their absentee mail ballot is paid for?

20 A. A lot of us who are going door to door are not even
21 equipped with that basic information. These things have
22 changed so drastically that we're still engaged in getting
23 individuals to just register when some of the things that
24 I heard here today were all still new to me, and I'm
25 engaged in this work almost daily.

1 Q. Some of the work you did with MICAH involved helping
2 people get IDs, correct?

3 A. That was some of the work. We drove people to the
4 DMV.

5 Q. And you educated them on what was needed to get an
6 ID?

7 A. We actually drove them there to get IDs. We found
8 out in that first session, especially a couple years ago,
9 that it was a lot more complicated than we thought just
10 driving them there and getting the ID. So we have been
11 caught off guard by this just as much as some of the
12 individuals. And we found out that we wound up taking a
13 lot of people back who didn't have the proper IDs and the
14 proper methods of getting their IDs.

15 Q. Did you also help people or educate them on how to
16 get a birth certificate if they didn't have that
17 documentation?

18 A. Like I said, we tried to get them to areas that could
19 do that. Ms. Johnson was the one who was well versed in
20 that. Like I said, we were basically laymen at this. We
21 were trying to get people in. And the guys engaged a lot
22 of us was not educated on this ourselves. That's why we
23 had Anita going to churches and organizations to help with
24 this information because we were not versed with it.

25 Q. You would say that the program that you were involved

1 with in MICAH, as far as getting or helping people get
2 voter IDs, you would say that was a successful program,
3 correct?

4 A. I would say no.

5 Q. Do you remember you referenced the *Frank* trial that
6 you testified in earlier, correct --

7 A. The --

8 Q. -- three years ago or so?

9 A. Yes.

10 Q. And do you recall saying that that program was
11 successful?

12 A. It was successful in what it accomplished. It was
13 not successful in numbers, because we didn't reach the
14 amount of people that we needed to reach.

15 Q. But you were able to reach a lot of people?

16 A. I would say a lot of people.

17 Q. And I think you talked a little bit earlier about how
18 some people you're not able to reach because they just
19 don't trust the government, wanting to have a photo ID or
20 show that to somebody, correct?

21 A. Yes.

22 Q. Or they felt hopeless; is that one of the reasons why
23 you weren't able to reach them?

24 A. Hopeless and disinherited.

25 Q. Are these people that you are talking about

1 completely off the government radar?

2 A. No, no.

3 Q. They interact with government regularly, correct?

4 A. These are people -- you cannot live within this
5 country without interacting with the government, either
6 through police or through finance or through some other
7 method, so they're --

8 Q. Or through some sort of government program, correct?

9 A. Right.

10 Q. And some of them even have to get photo IDs taken for
11 some of those programs, correct?

12 A. I would assume so. I'm not speaking that I do know
13 that they're required for all of the programs.

14 Q. And you are aware that the ID that these individuals
15 can get, the Wisconsin ID, is free, correct, to vote?

16 A. The first time ID is free.

17 Q. And individuals can also, in Milwaukee, get a free
18 birth certificate, correct?

19 A. That I learned during the last election.

20 Q. And you mentioned earlier you're on the board of
21 Citizen Action?

22 A. Yes.

23 Q. One of the plaintiffs in this case, correct?

24 A. Right.

25 MS. SCHMELZER: Thank you, Reverend.

1 THE COURT: Any redirect?

2 MS. WILSON: No, sir.

3 THE COURT: Thank you, Reverend. You're
4 finished.

5 THE WITNESS: Thank you.

6 THE COURT: You may call your next witness.

7 MR. MARTIN: Good afternoon, Your Honor, call
8 Carmen Gosey.

9 MR. SPIVA: Your Honor, may we have one minute to
10 confer? We have two witnesses and one of them is --

11 THE COURT: Take a minute.

12 MR. SPIVA: Yep.

13 MR. MARTIN: We're actually going to reverse the
14 order.

15 MR. SPIVA: There's somebody we have here from
16 Milwaukee. The other person is here in Madison.

17 THE COURT: I think we can extend every courtesy
18 we can to witnesses that come from out of state or out of
19 town. Who's up next then?

20 MR. SPIVA: The next witness is Linea Sundstrom,
21 Your Honor.

22 (4:58 p.m.)

23 **LINEA SUNDSTROM, PLAINTIFF'S WITNESS, SWORN**

24

25

DIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. WILSON:

Q. Good afternoon.

A. Good afternoon.

Q. Will you please state your name and spell it for the record, please?

A. Linea, L-I-N-E-A; Sundstrom, S-U-N-D-S-T-R-O-M.

Q. And where do you reside?

A. I live in Shorewood, Wisconsin.

Q. And how long have you lived there?

A. I've lived there 26 years.

Q. And where did you live before that?

A. I lived in the state of Kansas.

Q. And what is your current occupation?

A. I'm self-employed. I'm an archeologist. I do historic preservation work under contract with federal and state agencies out west.

Q. And do you know an organization called *Supermarket Legends*?

A. Yes.

Q. And what is *Supermarket Legends*?

A. It's a group of citizens who are interested in advocating for voters in the city of Milwaukee to encourage people to vote and in general to promote the democratic process in the city.

1 Q. And when you say "the democratic process," is the
2 organization affiliated with one particular party?

3 A. It is not affiliated with a party.

4 Q. And what's your involvement with Supermarket Legends?

5 A. I am an organizer for the group.

6 Q. Do you hold a particular title?

7 A. No. I'm the head organizer. It's all volunteer. We
8 don't have any paid staff, so it's pretty informal.

9 Q. And how many volunteers do you have?

10 A. There's not quite 400 on the mailing list, of whom
11 maybe between 100 and 150 are quite active.

12 Q. And what do your volunteers do?

13 A. Most of the volunteers have an SRD certification from
14 the City of Milwaukee. So our work consists largely of
15 registering voters, talking to people about voting,
16 educating people about the new laws and encouraging people
17 to participate in particular in the early voting, the
18 in-person absentee voting.

19 Q. And why particularly the in-person absentee voting?

20 A. Because a lot of people are not really aware of that,
21 that that option exists, so we want to make sure that they
22 know about it. It's much more convenient for people who
23 work some of the different shifts or people who are going
24 to be out of town or students who are going to be on the
25 spring break, things like that.

1 Q. Where does the name *Supermarket Legends* come from,
2 what is the genesis of that?

3 A. I was afraid you were going to ask that.

4 Q. I'm sorry. So let me be clearer. Why *Supermarket*?

5 A. *Supermarket Legends* because what we've tried to do is
6 go where the people are. And since everybody has to eat,
7 we actually do go stand out in front of supermarkets if we
8 can get permission to do so. People find it quite
9 convenient that we come to them rather than them having to
10 go to City Hall to get registered to vote.

11 Q. And is registering people to vote the primary
12 function of the organization?

13 A. Most of our work is in registering people to vote,
14 yes.

15 Q. And how do you keep up with voter registration laws?

16 A. I keep up with them in three basic ways: I have an
17 e-mail notification with a legislative website so that
18 when a law comes up with that topic I can see what the
19 proposal is and then I can follow it through as it goes
20 through the Legislature, I read the newspapers, and then
21 if I have questions I call the Government Accountability
22 Board.

23 Q. And do you get assistance from the Government
24 Accountability Board with respect to the laws?

25 A. Yes.

1 Q. And have you ever testified before the Legislature
2 with respect to voting laws?

3 A. Yes.

4 Q. And how often do you do that?

5 A. Not often. So I testified last fall about the law
6 that is now Act 261. I have maybe done it four, five
7 times. I don't know.

8 Q. Do your volunteers require any special training to
9 register voters?

10 A. Yes. They have the SRD training through the City of
11 Milwaukee.

12 Q. And are they required to be an SRD in order to work
13 with your organization?

14 A. No. We have other tasks that people can do if they
15 are not SRDs. They can help us just talk to people.
16 Since the Voter ID law went into effect we've handed out
17 many leaflets about acceptable forms of ID because in
18 talking to people we discovered that it isn't that
19 people -- it's not that people don't know they need an ID
20 card now to vote, they understand that; but what they
21 don't understand are what kinds of ID cards they can use,
22 whether or not they can be expired, all those kind of more
23 detailed information, so we've worked on getting that
24 information out into the community.

25 Q. But wasn't that information already out in the

1 community when the law took effect?

2 A. No.

3 Q. And how do you know that?

4 A. Because of talking to people as we're out and about.
5 Just as an example, a couple of different people told me
6 that -- oh, you know, we'll say, "Do you have an
7 acceptable ID for voting?"

8 "Oh, well, I gave up my driver's license, but I've
9 got a *Go Pass*." That's a transit card for the bus.

10 "Well, you can't use a *Go Pass*."

11 So I know there was confusion. People thought any
12 photo ID. And this, I will say, is not specific to the
13 city of Milwaukee. I know even out in the affluent
14 suburbs where people presumably supposedly keep up with
15 the news, a lot of people did not understand that in order
16 to get an ID card for voting that you have to surrender a
17 driver's license if it's an out-of-state driver's license.
18 There's still confusion on that issue even after this last
19 big election that we just had.

20 Q. Okay. Let's talk specifically about voting
21 registration and your group. But before we do that,
22 what's the demographics of the people you serve?

23 A. We try to go into the more underserved parts of the
24 city, people who have fewer resources, for the simple
25 reason that people who have cars can easily get to City

1 Hall to take care of this business. People who aren't
2 working two or three jobs to make ends meet have more free
3 time when they can, you know, get in and take care of
4 these little errands such as registering to vote. So we
5 go into those areas where we think we can do the most
6 good.

7 Q. And has -- and you're familiar with the changes in
8 the voter registration laws, right?

9 A. Yes.

10 Q. How has that impacted the people that the Supermarket
11 Legends serve?

12 A. It's led to quite a bit of confusion. We're working
13 in the city of Milwaukee, which I think somebody has
14 already said has the fifth highest rate of poverty of any
15 American city, so people are vastly underresourced. Every
16 time there's a change they have to, well, let me back up.

17 Every time somebody moves, changes address, they have
18 to register to vote. Again they have to produce a
19 proof-of-residence document. It's very difficult for
20 people who are not quite homeless, of whom there are many
21 in our city, so...

22 Q. What do you mean, "not quite homeless?"

23 A. What I mean is a parent whose business goes belly up
24 and they move in with a child, a child moves back in with
25 the parents; but the utility bills, the residential lease,

1 all of those documents are in somebody else's name. So
2 for that person to produce an acceptable
3 proof-of-residence document can be very difficult.

4 THE COURT: But weren't -- that was always a
5 requirement even under the old law, wasn't it, you needed
6 some proof residence?

7 THE WITNESS: No. Should I go ahead and explain
8 the difference?

9 THE COURT: Yes.

10 THE WITNESS: The difference is that up until
11 about a year ago the SRDs, the people who are registering
12 voters off-site, have to stop 21 days before an election.
13 We have a blackout period when we can't do any voter
14 registrations. The purpose for that is so that when the
15 municipal clerk gets the registrations, that person then
16 generates a postcard to the voter. It goes to the address
17 that they listed on the form.

18 So if the postcard comes back undeliverable, then the
19 clerk knows they have to reverify that person's address.
20 As long as the postcard doesn't come back, they assume it
21 was a valid address. So because of that procedure, which
22 incidentally is still in place, we didn't have to see the
23 proof-of-residence document, now we do. So those people
24 are actually having their residence verified twice, once
25 by me and once by the clerk.

1 THE COURT: Thanks.

2 BY MS. WILSON:

3 Q. How has it affected your group's ability to register
4 voters though?

5 A. Well, we can register fewer voters because of the
6 places that we go. For example, at street fairs, music in
7 the park, supermarkets, bus stops, people don't always
8 have a proof of residence with them. So that's been the
9 main problem that we've run into with this new
10 proof-of-residence requirement: people just don't have
11 that paperwork with them.

12 Q. In terms of -- do you have any sense, in terms of
13 numbers, how many fewer people you register in a given
14 week or month?

15 A. I would guess that we're probably --

16 MS. SCHMELZER: Objection. Calls for
17 speculation.

18 BY MS. WILSON:

19 Q. Do you keep track of --

20 THE COURT: Let me rule on the objection. I'll
21 sustain the objection. I think you can rephrase the
22 question again in a way that it gets the information you
23 want.

24 MS. WILSON: Okay.

25

1 BY MS. WILSON:

2 Q. So one of the things that your organization does is
3 register people, correct?

4 A. Yes.

5 Q. Have you seen any impact to the number of people that
6 you register because of the change in the residency law?

7 A. Yes. I think we're probably registering fewer than
8 half as many as we used to because of the residency.

9 Q. And is that because of what you stated before about
10 someone not having proof of residency on them when
11 they're --

12 A. Correct.

13 Q. -- either at a street fair or a supermarket?

14 A. Right.

15 Q. Is there any other reason for that?

16 A. As far as people registering, I think the length of
17 residency, that change has made some difference. I can't
18 quantify it for you.

19 Q. Okay. Has the changes in the voter ID requirement,
20 has that had any impact on your group's ability to
21 register voters?

22 A. Yes, it has, in the sense that we now have to have
23 two conversations where we used to have one. So we talk
24 to the person about whether their registration is current,
25 but then we also have to talk to them about whether they

1 have a suitable ID for voting and, if they don't have one,
2 what documents they're going to need to produce in order
3 to get one.

4 We talk to them -- you know, it's a long conversation
5 because if they lack a birth certificate, for example,
6 then we've got to explain the entire procedure, the
7 petition procedure that they can go through. So it limits
8 the time that we can talk to the next person because we're
9 still talking to the first person about ID for voting.

10 The other area where it impacts our work is that
11 we've had to produce our own materials about ID for
12 voting. So that took time on my part and I've got two
13 people that check everything I do to make sure it's
14 accurate. But we had to design and have printed our own
15 leaflets in order to get this information out into the
16 Milwaukee community in a format that was user friendly,
17 also not too expensive to print.

18 Q. Why didn't you just download it off the GAB website?

19 A. For two reasons. One is their information is
20 statewide. And while the laws are the exact same for the
21 city of Milwaukee, the city does have a slightly different
22 registration form that they're allowed to use in addition
23 to the state form. There's a few minor differences in the
24 situation with Milwaukee as opposed to the rest of the
25 state. Also, the materials that the GAB produced were

1 shiny, full-color, expensive printing and we can't -- we
2 don't have that kind of money.

3 The other problem with the brochures -- I don't know
4 if the League of Women Voters is going to testify for
5 you -- but another thing that happens to voter advocacy
6 groups is they get a set of materials printed up and then
7 the law changes. And so the materials that they printed
8 are now out of date, so they have to throw them out or
9 literally line through. And so they've wasted that money
10 and they have to wait for a new printing, and so forth.

11 Q. And has that happened with your leaflets?

12 A. Yes. But mine are designed to be very easy to change
13 and very cheap to print so that we can easily adapt to
14 that. I mean once we learned that lesson, we tried to
15 adapt to it as best as we could.

16 Q. Do you get any money from the state to help you with
17 this printing of the leaflets?

18 A. No.

19 Q. Do you get any money from the state that helps you
20 educate the voters on the different changes on the voter
21 ID laws?

22 A. No.

23 Q. Does your organization do any outreach with respect
24 to helping people, like, on Election Day at the ballot
25 box?

1 A. On actual Election Day I encourage the volunteers
2 within my group to link up with a different group and do
3 either -- well, the first thing I encourage them to do is
4 to become poll workers, to take the poll worker training
5 and to serve as poll workers, because we make good poll
6 workers. And this group is -- by and large they're very
7 savvy about voting law.

8 If not that I recommend that they maybe volunteer as
9 a greeter at a polling place where they're not actually
10 doing the poll work per se, but they're going to help
11 people get into the right line and that type of thing, or
12 to join one of the election observer programs and help out
13 that way. So the group per se, those are all outside the
14 purview of my group.

15 The one thing that we've done in the past is we'll
16 just go back to our usual places, for example in front of
17 a grocery store, where people are used to seeing us and
18 we'll just be there with a computer or a cell phone. And
19 if somebody says, "I tried to vote but I was at the wrong
20 polling place," we can help them figure out where they're
21 supposed to go and how to get there. So we've done that
22 on some of the bigger elections.

23 Q. How do your volunteers stay apprised of all the
24 changes in the voting laws?

25 A. Every time the law changes I monitor that and I let

1 them know by e-mail. And then also when they go out to
2 work, even though they've had the SRD training, I try to
3 make sure -- I try to pair the less experienced with the
4 more experienced. Even at that there is confusion that
5 comes into it, so I just monitor it as best I can.

6 Q. What do you mean, "there's confusion that comes into
7 it"; do you mean with respect to your volunteers or
8 something else?

9 A. With respect to the volunteers. Because there's been
10 so many changes in the voting laws, they sometimes get
11 confused about the details; for example, can this
12 particular form of ID be expired or not, that type of
13 thing. And I know -- I won't name names -- but I do know
14 that even one clerk of a fairly large city, not the one
15 you just -- that was just on the stand, they actually had
16 a mistake in the materials that they put out to the public
17 as far as the expiration date on one of the forms of ID.
18 So my point is, I think everybody is confused.

19 Q. Are there any other -- last couple questions -- any
20 other changes to the voter laws that have affected your
21 group?

22 A. I think the number of changes has discouraged people
23 from getting involved in this kind of work. They feel
24 like they can't keep up with the changes. They get
25 confused. And then they feel like, "Well, I'm not good at

1 this, at this work."

2 It's affected us in many ways. It's hard to keep up
3 with things. It's hard to keep constantly training
4 people. Every day that you spend doing a training is a
5 day that you didn't spend with feet on the street. I'm
6 not sure if that's what you were --

7 Q. No, no.

8 A. -- asking me.

9 Q. I'm trying to be polite and make sure you're
10 finished. How have the changes in the voting laws though
11 affected the people that you serve? Any other affect on
12 the people that you serve other than what you've already
13 told us? I don't want you to have to repeat that.

14 A. Right. I've already mentioned the people who aren't
15 quite homeless who can't produce a proof of residence.

16 Q. Right.

17 A. There are some people who are going to have trouble
18 getting an ID. Now theoretically they can go fill out a
19 petition form at the Division of Motor Vehicles and the
20 state will then verify their birth record over the phone.
21 However, hardly anybody in Wisconsin knows that's
22 available.

23 And the other problem that I've observed with that is
24 depending on which clerk you talk to and depending on
25 which DMV office you go to you may not be offered the

1 petition -- I talked to one person who was told there was
2 no such thing -- or they may be helpful and help you
3 through the process.

4 Q. Do you do any type of training for your volunteers on
5 something called *mail-in absentee voting*?

6 A. Yes, a little bit.

7 Q. Why just a little bit?

8 A. Mostly in the sense of when we're out talking to
9 voters, a lot of times they have a concern about an
10 elderly relative. And so we do -- we do usually have
11 absentee ballot applications with us so that we can hand
12 those to the person. We explain to them how to fill it
13 out and how to send it back in.

14 Milwaukee, as far as I know, does not put
15 restrictions on who is considered indefinitely confined.
16 I believe that some of the municipalities do. But if the
17 person really and truly is having trouble getting out and
18 about, we really encourage them to do the
19 indefinitely-confined mail-in balloting. That's a good
20 option for people who have limited mobility.

21 Q. How long have you been doing this work with
22 Supermarket Legends? Let me retract and rephrase that.
23 How long have you been working to get people registered?

24 A. About four years.

25 Q. About four years?

1 A. Mm-mm.

2 Q. And in the four years that you've done this, what, in
3 terms of the changes in the laws, because you seem quite
4 knowledgeable about them, has had the most impact on your
5 ability to register voters?

6 A. I think the changes to the residency requirement is a
7 big one. The loss of the statewide certification is a big
8 one. Just the sheer number of changes to keep up with.

9 Q. Okay. And one last question. In your experience is
10 voting in Wisconsin easy to do?

11 A. I think it depends entirely on where you live and
12 what resources are available to you and your own level of
13 personal mobility.

14 Q. And does it have anything to do with income?

15 A. Yes, it does. For example, when the ID for voting
16 came in -- and as I said, most people don't understand
17 that there is a petition process -- they knew that they
18 could get the ID card without paying whatever it is, 35
19 bucks, but they didn't know that they didn't have to pay
20 for a birth certificate if they lived outside of Milwaukee
21 County.

22 When this first thing happened, when it first was in
23 effect, there was quite a bit in the news that if you were
24 born in Milwaukee you could get your birth certificate for
25 free if you needed it to get ID for voting, so people were

1 aware of that. But they're not aware of this other
2 process whereby if you're not from Milwaukee County, the
3 state can process your application for identification
4 without you actually getting that hard copy of the birth
5 certificate.

6 Now, what does that have to do with money? Well, the
7 birth certificates cost money. So for a person who
8 thinks -- you know, who doesn't know this other option is
9 available, they think, well, gosh, I'm going to have to
10 pay 40 bucks and I'm going to have to wait eight weeks to
11 get the birth certificate and I've got to send a picture
12 of my photo ID in to get the birth certificate, so I give
13 up. So I think it has a psychological discouraging impact
14 on people.

15 Q. Have you talked to people who have given up in the
16 people that you serve?

17 A. Yes.

18 MS. WILSON: Thank you.

19 THE COURT: Just a follow-up to clarify. In
20 response to the question about what changes had the most
21 impact on your work on behalf of voter registration, you
22 said it was the change in the residency requirement. By
23 that are you referring to the change in the durational
24 residency requirement or the change that requires you to
25 not have documentary proof of your residence?

1 THE WITNESS: It's actually both. But I think
2 it's the requiring the proof for the registrations that
3 are done far enough in advance of the election that
4 there's still going to be verified by mail anyway.

5 THE COURT: Thank you. Cross-examination.

6 CROSS-EXAMINATION

7 BY MS. SCHMELZER:

8 Q. Hello, Ms. Sundstrom.

9 A. Hello.

10 Q. You said part of your objectives I guess of the
11 Supermarket Legends is to register, educate and encourage
12 participation in the voter process, correct?

13 A. Yes.

14 Q. And if you're not able to register a voter on the
15 spot, are you still able to educate and encourage them to
16 participate in the process?

17 A. Yes.

18 Q. And do you, if they don't have their proof of
19 residency with them, do you send them away with anything,
20 with a voter registration form or anything like that?

21 A. Yes, we do. We give them a registration blank that
22 has the list of acceptable proof of residence printed on
23 the back. We also have a little slip of paper that we
24 give them that has a list of the libraries in the city of
25 Milwaukee. We still have SRDs in our city libraries, so

1 they do have -- that's an option that works pretty well
2 for people.

3 Getting to City Hall is quite a burden for people.
4 The parking situation is bad and of course the hours are
5 very limited.

6 Q. So if they don't have their proof of residency with
7 them, you send them away with a blank registration form,
8 let them know where they can go to show their proof of
9 residency to get them registered, correct?

10 A. Yes.

11 Q. I think you said that you register fewer than half of
12 what you used to since the proof-of-residency requirement
13 came in?

14 A. That's my sense, yes.

15 Q. Do you know how many of them return to one of the
16 libraries or somewhere else to register after you give
17 them that information?

18 A. No. And that's one of the frustrating aspects: we
19 don't know the drop-off rate.

20 Q. So you don't know how many of them then maybe choose
21 to go and register online after they've left --

22 A. Excuse me. We don't have online voter registration
23 in Wisconsin.

24 Q. Well, they utilize the *My Vote* website to fill out
25 the registration and send it in?

1 A. Do I know how many of them do that?

2 Q. Right.

3 A. In the populations we're working with I would say
4 very few. We do work on some of the college campuses and
5 some of them will do that process.

6 Q. And you don't know how many of them maybe can't
7 register with you at the registration drive but go to the
8 polls on Election Day and register; you don't know how
9 many follow up on that?

10 A. Right. We have no way of knowing that.

11 Q. So you really have no way of quantifying how many
12 people are not registered because of the
13 proof-of-residency requirement?

14 A. Right.

15 Q. And I think you said that that affects people of
16 lower income levels disproportionately --

17 A. Yes.

18 Q. -- because they're less likely to have that proof of
19 residency?

20 A. Yes. As I said, the ones that are really problematic
21 and tough to find a pathway forward are the ones who are
22 living in another household but they do not have any bills
23 or bank account or anything with that address on it.
24 They're *couch surfers*, okay? They spend some time in this
25 household, some time in that household.

1 People who are well and truly homeless can get an
2 affidavit from a shelter as long as that's where they
3 normally show up when they need a place to stay that's
4 indoors.

5 Q. So you're not talking about just people of lower
6 income levels in general; you're talking about a specific
7 piece of that, correct, these *couch surfers*?

8 A. Well, yeah. But the reason they're couch surfing is
9 because they don't have any income.

10 Q. And those individuals have an option of getting some
11 kind of government -- a letter from a government unit to
12 verify their residency, correct?

13 A. No.

14 Q. They can't write the clerk of -- the Milwaukee clerk
15 and ask him to send them a letter to that address?

16 A. Yes. If they can get mail at that address, yes, they
17 can do that.

18 Q. And that would be an acceptable proof of residence,
19 correct?

20 A. Yes.

21 Q. And people of lower income levels, do some of them --
22 I mean, are they disproportionately on government benefits
23 like FoodShare programs or BadgerCare or SSI?

24 A. Well, that's kind of a silly question.

25 Q. They are?

1 A. Isn't that the qualification for public assistance,
2 is that you have low income? Yeah.

3 Q. And those individuals could use any letter from any
4 of those government units to show proof of residency,
5 correct?

6 A. If, yes, if they have a mailing address. I'll
7 describe a situation to you where I have actually run into
8 this twice. The individual was either completely homeless
9 or staying here, there, with different relatives. But
10 those relatives that had the mailing address did not allow
11 the individual to use their mailing address in order to
12 receive any mail.

13 And one individual that I talked to in that
14 situation -- I was at a Food Pantry -- he was staying with
15 his sister. And I said, "Well, you can put her address if
16 that's where you normally stay."

17 And he said, "No, she won't let me."

18 Q. And how many individuals have you encountered in that
19 situation where they're couch surfers and they're not
20 allowed to use the address they're staying at for mail
21 purposes?

22 A. I have personally uncounted two.

23 Q. So for the majority of the situations where they
24 don't have valid proof of residency would you agree it's
25 not because they're unable to obtain it; it's just they

1 have to take some additional steps to get that proof of
2 residency, correct?

3 A. You're asking me to quantify something. I'm not sure
4 I have the information to do that. Of the people that I
5 have uncountered, most people have something that will
6 work or, like you say, they can get a document. They
7 can -- you know, a lot of times we'll tell them what the
8 documents are that they might have and they just go get
9 one.

10 But there are people that who actually do not have
11 any bills coming in their name. A question arose around
12 the jesuit priests at Marquette University. They had all
13 changed their address, moved into a new residence hall and
14 they don't get bills.

15 Q. And they're able to get acceptable proof of residency
16 by writing their clerk, correct?

17 A. In that case they didn't have time to write the
18 clerk. They were trying to register on Election Day,
19 which is a right in Wisconsin.

20 Q. But they are able to obtain that now with some
21 preplanning. If you don't have acceptable proof of
22 residency, you can contact your city clerk and have them
23 write a letter to you, correct?

24 A. Yes, if you have time.

25 Q. Most students can access their proof of residency

1 online; have you found that?

2 A. Yes, although it's very time consuming.

3 Q. I think you talked a little bit about in-person
4 absentee voting and that that's something that your group
5 encourages?

6 A. We do encourage it. We hand out leaflets with the
7 times and dates of the early voting, tell them what they
8 need to bring.

9 Q. And I think you mentioned that it tends to help out
10 people of lower incomes or the working poor?

11 A. I think so.

12 Q. But these individuals wouldn't be the same ones that
13 wouldn't have proof residency, correct? Because they're
14 working, they would have a pay stub?

15 A. Actually, people do show up at early voting and do
16 not have proof of residency. That's pretty common, as a
17 matter of fact. Sometimes if they're a homeowner -- the
18 Water Department is right there -- we send them over to
19 the Water Department to get a copy of their water bill,
20 which is acceptable. But, yeah -- no, that happens.
21 Sometimes people really don't have anything.

22 Q. You can use a pay check stub to establish proof of
23 residency, correct?

24 A. You could if you knew you had to bring it with you
25 when you went to vote.

1 Q. And if you can't make it in for the in-person
2 absentee voting you can still vote by mail, correct? You
3 can cast an absentee ballot by mail --

4 A. Yes.

5 Q. -- or you could show up on Election Day and vote
6 then, correct?

7 A. Yes.

8 Q. Let's talk a little bit about Voter ID. You said --
9 I think you said that the *Go Pass* requires a birth
10 certificate; is that correct?

11 A. I'm not sure specifically because I don't have one.
12 But the people I talked to said they had to bring lots of
13 documents with them to get the *Go Pass*. And I think one
14 of them mentioned that she had brought her birth
15 certificate.

16 Q. Do you remember stating that in your declaration that
17 you filed in this case?

18 A. I don't -- I remember talking about the *Go Pass*, but
19 I don't remember specifically --

20 Q. So for the individuals who have a *Go Pass*, you
21 wouldn't expect that they would have difficulty getting a
22 state ID if they had a birth certificate, correct?

23 A. Right. The problem in that case was that they
24 thought they had an acceptable ID; it wasn't that they
25 couldn't get one.

1 MS. SCHMELZER: Thank you. Thank you,
2 Ms. Sundstrom.

3 THE COURT: Any redirect?

4 MS. WILSON: No, Your Honor.

5 THE COURT: Thank you, Ms. Sundstrom. Let's call
6 our next witness.

7 MR. SPIVA: Your Honor, plaintiffs call Carmen
8 Gosey.

9 **CARMEN GOSEY, PLAINTIFF'S WITNESS, SWORN**

10 DIRECT EXAMINATION

11 BY MR. MARTIN:

12 Q. Good afternoon, Ms. Gosey. How are you?

13 A. I'm well.

14 Q. Could you begin by stating your full name and
15 spelling it for the record?

16 A. Yeah. My name is Carmen Gosey. Do you want my
17 middle name, too?

18 Q. Sure.

19 A. So Carmen Charlene Gosey; C-A-R-M-E-N, G-O-S-E-Y.

20 Q. Ms. Gosey -- is it Gosey?

21 A. Yeah. There's an accent on the E, but whatever.

22 Q. Fair enough. You're currently a student at
23 UW-Madison --

24 A. Yeah.

25 Q. -- correct? And what year are you in?

1 A. Okay. So I just finished up my sophomore year, so
2 currently I'm a junior.

3 Q. And what do you study?

4 A. Political science and legal studies with a
5 certificate in criminal justice.

6 Q. Okay. And where were you born?

7 A. I was born in Milwaukee, Wisconsin.

8 Q. Okay. And where did you start high school?

9 A. I started high school at Monona Grove High School,
10 but I lived in Cottage Grove.

11 Q. That's sort of within the Dane County area, right?

12 A. Yeah.

13 Q. Can you describe the demographics of the school in
14 Monona Grove?

15 A. Yeah, for sure. So for my years at Monona Grove I
16 spent freshman and sophomore years there. And the
17 demographics were, I was one in 50 black students and out
18 of, like, 900-plus students. So I was considered a black
19 student, although I am biracial.

20 Q. At some point you moved to a new high school,
21 correct?

22 A. Yeah.

23 Q. And where was that?

24 A. That was Racine, Wisconsin. It's called *Jerome I.*
25 *Case High School*.

1 Q. How would you describe the demographics of that
2 school?

3 A. So J. Case High School is much more diverse. There
4 was much more diversity there -- way more black people,
5 way more Hispanics, Asians -- but white people still did
6 make up the majority of the high school.

7 Q. Okay. And you were in Advanced Placement classes in
8 high school, correct?

9 A. Yeah.

10 Q. Could you tell me a little bit about those?

11 A. Yeah. So it's not exactly Advanced Placement. It's
12 different. Like, AP is different from International
13 Bachelorette [verbatim], which is an international program
14 meant to pretty much connect students globally with this,
15 like, educational, like, purpose of, like, exploring
16 different cultures and becoming more culturally competent
17 and also critical thinking, too.

18 So it's a different kind of advanced program. And
19 Case was one of the high schools that had it in Racine.
20 And I think that's why my mom wanted to send me there.
21 And so it's a newer program. But, yeah, that is Advanced
22 Placement. And I took all IB classes, International
23 Bachelorette [verbatim].

24 Q. And did the demographics of the fellow students in
25 those classes reflect the demographics of the school

1 generally?

2 A. No. So there were, like -- at times I was, like, the
3 only black person in my class. And again, like, using the
4 *black* term loosely. I am biracial. That's how I
5 identify. And so it was very predominantly white in all
6 my classes and also predominantly conservatives as well.

7 Q. Okay. Let's talk about some of your activities that
8 you do in college now.

9 A. Yeah.

10 Q. You are on the Associated Students of Madison; is
11 that correct?

12 A. Yeah.

13 Q. Could you describe what that is?

14 A. Yeah. So the Associated Students of Madison is the
15 official student government at UW-Madison. And there's,
16 like, sectors of Madison. It is the Division of Student
17 Life. And my freshman year I sat on the Legislature
18 Affairs Committee. I loved the committee so much -- it's
19 a grassroots committee -- that I ended up running for
20 chair my sophomore year. So May 1st I just ended my term
21 as Legislature Affairs Committee chair and now I serve as
22 Student Council chair.

23 Q. We might try to talk a little slower for the sake of
24 the court reporter.

25 A. Sorry about that.

1 Q. So for a year you were the chair of Legislative
2 Affairs --

3 A. Yeah.

4 Q. -- is that correct? What did you do as chair of
5 Legislative Affairs?

6 A. Yeah. So it is a grassroots committee and so we work
7 on mobilizing students. And the sort of, like, definition
8 of a Legislative Affairs Committee is it advocates for
9 students at the city, county, state and federal levels on
10 higher education issues that affect students.

11 So we did a lot of work at the state level about
12 medical amnesty, which grants immunity from the underage
13 drinking ticket, to the caller and the first-need medical
14 assistance. And 32 other states across the nation already
15 have this and so we thought Wisconsin needs this as well.
16 We do have a policy on our campus for this.

17 We worked on voter ID. We worked on Senate Bill 295,
18 which instated online voter registration but got rid of
19 special registration deputies. And we also worked on food
20 stamp from the campus, which is creating, like, food
21 stamps in the dining halls for lower socioeconomic
22 students.

23 Q. Let's talk about -- it's fair to describe this as
24 *lobbying*; is that an accurate term?

25 A. That's accurate. Lobbyists get paid. But it's

1 advocating-for-students lobbying.

2 Q. Got it. Can you describe your activities, your
3 lobbying activities, in relation to the Voter ID law?

4 A. Yeah. So the Voter ID law, so we kind of lobbied.
5 And we lobbied, like, kind of state legislators about
6 this. But we wanted it to also be on the university
7 level, too, because there has been universities that have
8 used their student ID, like in Wisconsin, as a valid photo
9 ID to vote, and like UW-Stout.

10 And so we lobbied administrators on -- like, we
11 believed that my Wiscard, which is my student ID, should
12 be photo-ID eligible because people carry their Wiscards
13 all around to, like, buildings for -- like, I get a
14 discount, because I live in university housing, to use my
15 Wiscard, and so I usually always have my Wiscard with me.
16 And so using it to vote just seems reasonable and
17 acceptable and so that's what we lobbied administrators
18 for.

19 I talked to Chancellor Blank about it, the Dean of
20 Students Office, people from legal to see if this would be
21 something to -- something that we could do. And we know
22 it is something that is feasible because other schools
23 have done it not only across the nation but in our state.

24 Q. And do you know why that change -- or let me back up.
25 Was that change that you recommended adopted?

1 A. No.

2 Q. And do you know why?

3 A. Yeah. So, like, apparently there was a security cost
4 to it and then also, like, an actual, like, monetary cost.
5 So we believed that -- like, when I say "we," the
6 Associate Students of Madison who advocated on this --
7 that this can be paid for. And we also believed that it
8 would not be a security cost because it would just be a
9 two-year expiration date and then a signature on the ID to
10 make it photo-ID eligible. And so there have been --
11 again there have been schools that have been able to do it
12 and so that's how we saw it.

13 Additionally, I think, like, with the security thing,
14 like, I have somebody I know that went to a meeting and
15 brought out a photo ID of, like, a credit card with a
16 picture on it, their signature and also an expiration
17 date. So, like, having a student ID be that way would be
18 just fine.

19 Q. All right. Now, has UW-Madison made available some
20 forms of student ID that are compliant with the law?

21 A. Yeah.

22 Q. And we'll talk a little bit more about your
23 experience with those later. But was the adoption of that
24 related to your lobbying activities or was that
25 independent of your efforts on this issue?

1 A. So when we talked about the photo ID, it was also
2 maybe issuing them at SOAR, which is the freshman
3 orientation that they come to, so issuing those photo IDs
4 right off the bat so students don't have to, like, out of
5 their busy schedule coming in as a freshman new to campus
6 having to go out of their way to Union South, which may be
7 far away from them if they live in, like, Lakeshore or
8 something; that they would be able to just get it at
9 freshman orientation and it would be done with.

10 Q. Got it. You mentioned busy schedules. You've
11 also -- you just wrapped up your term as the chair of the
12 Legislative Affairs Committee, correct?

13 A. Yeah.

14 Q. And you moved on to a new position and what is that?

15 A. Chair of Student Council.

16 Q. Of the entire UW-Madison?

17 A. Yeah.

18 Q. Okay. That sounds like fun.

19 A. Yeah.

20 Q. So it sounds like a commitment as well, a time
21 commitment. How would you describe the commitment of your
22 previous job as chair of Legislative Affairs Committee and
23 your new job as president of the Student Council -- or
24 chair of Student Council?

25 A. So *in busy* again, like, it's hard to define that

1 because there are spontaneous things that do come up that
2 make it even more, like, busier. And so I'll start with,
3 like, being Legislative Affairs chair. So I was expected
4 to have five hours of office hours a week and then also
5 have committee meetings or Student Council meetings or
6 Coordinating Council, which would just be all the
7 leadership of the Associate Students of Madison as
8 Coordinating Council, so they're alternates.

9 Every Wednesday at 6:30 you would have either Student
10 Council or Coordinating Council. And every Monday night I
11 had Legislative Affairs Committee, which that would be the
12 members of the Grassroots Committee. And then the five
13 hours spent being-available-to-students part of that
14 committee are just part of campus. And you have to have
15 people know where you are in case they wanted to come by
16 and talk to you. That's expected.

17 And so there would just be meetings throughout the
18 week, whether they be lobbying meetings or at the Capitol
19 or meetings with the administration or with students in
20 general.

21 Q. And these are all extracurricular activities,
22 correct?

23 A. Yeah.

24 Q. Are there other extracurricular activities that
25 you're engaged in?

1 A. So this is a huge commitment of mine and it's like --
2 it takes up a lot more -- it's like a class. It takes up
3 a lot of my time. I do get paid for it and so that's
4 nice. And I don't think I'd be able to put that much time
5 into it if I didn't get paid for it. But that is my
6 extracurricular activity. Being involved in student
7 government is a huge, huge commitment.

8 Q. And you also take classes, right?

9 A. Yeah. So this past semester I took 18 credits and
10 that's actually kind of a hefty load, so that's five
11 classes. So each day I had at least three classes, two
12 50-minute and at least an hour and 15; except on Fridays,
13 which it was four 50-minute classes.

14 Q. I didn't mean to interrupt. You can -- so would it
15 be fair to say that you have a packed week?

16 A. Yeah. No, that's very fair, for sure. It's
17 exhausting at the end of the day, that's for sure.

18 Q. Okay. Let's go back to your work as chair of
19 Legislative Affairs Committee. You mentioned that you
20 worked on SB 295. Can you describe what that is and the
21 work you did in connection with SB 295?

22 A. Yeah. So Senate Bill 295, there were some good
23 things about the bill and there were some not so great
24 things about the bill. So it states online voter
25 registration, which is great and following sort of the

1 rest of the states that have online voter registrations,
2 like Illinois, yet the proof of residency presents an
3 issue for out-of-state students.

4 In addition to that, special registration deputies
5 were eliminated in the bill and that was an issue because
6 that is the most accessible and convenient way for us, as
7 students, to register other students on campus.

8 And just to, like, tell you, like, the sort of great
9 thing about an example of a great thing about special
10 registration deputies is the fact that in three hours one
11 night we were able to register over 800 students by being
12 special registration deputies and that was only in three
13 hours. So I can't even imagine, if we had the whole day,
14 how many students we would be able to register.

15 Q. So let's talk about your work as a special
16 registration deputy. You're an SRD, if I can call it
17 that, here in Madison, correct?

18 A. Yeah.

19 Q. So you were trained by the Madison City Clerk's
20 Office; is that correct?

21 A. Yeah.

22 Q. And describe to me your activities as an SRD.

23 A. So as an SRD you kind of spend your time trying to
24 learn as much as you can about, like, the new laws that
25 exist so that you can educate others. And you do have

1 out-of-state students coming in that come from different
2 states that have different laws and so trying to tell them
3 what to do and then also in-state students.

4 And then you can't always assume that people have a
5 Wisconsin driver's license. That's not true. So telling
6 them all about the acceptable forms of ID, telling them
7 about proof of residency, telling them about what you need
8 to bring when you register to vote, what you need to bring
9 when you're at the polls, those kind of things.

10 Q. So voter education in addition to voter registration?

11 A. Yeah.

12 Q. And you spend time educating students that you
13 interact with about the Voter ID law?

14 A. Yes, I do spend time with the Voter ID law and the
15 Senate Bill 295, which we talked, about a lot because it
16 was very relevant to students, impacted students.

17 Q. You mentioned a moment ago that in three hours you
18 and your colleagues registered about 800 students?

19 A. Yeah.

20 Q. When was that and can you describe the sort of
21 circumstances surrounding that?

22 A. Yeah. So, you know, I would have to look back at my
23 planner when it was, but I know it was for the April 5th
24 primaries. But so oftentimes students come when there's
25 free food and so we did give free food. Yeah. And it's

1 just so true because of, you know, the cost of food.

2 Q. Right.

3 A. And so we had free pizza; and that was, like, the
4 number one; and then also, like, register to vote. And
5 so, like, it was a huge line. It was, like, out the door,
6 down the elevators. And you had a lot of people come in.
7 And in that moment you had people -- we had to, like, try
8 to ask people, like, would you be able to volunteer for
9 this if you're an SRD just because we were, like, running
10 out of, like, students to be able to, like, I don't know,
11 man all these stations.

12 And so there was a voter registration table, people
13 to fill out the voter registration, then there was a
14 proof-of-residency table which we pulled up under *Student*
15 *Center*. And so luckily we had computers out and then some
16 of them died.

17 But, I mean, luckily some students have, like, cell
18 phones they can use, which might take a little while to
19 pull it up. They go to their *Student Center*. And if
20 their address doesn't match, like, the address they put on
21 their voter registration form, they have to change that
22 address in there and so that slows down the process a
23 little bit.

24 And then we send them to another table to talk about,
25 like, if you're an out-of-state student, these are the

1 things you need to bring to the polls. Out-of-state
2 students need to bring proof of enrollment to the polls
3 along with a photo ID, but everyone needs to bring photo
4 ID. So that's something that we really want to tell them
5 as well so that they can go to Union South at these hours
6 and pick up a valid photo ID and then they get that pizza.

7 Q. Okay. And we'll come back to Union South in a moment
8 as well, but I want to focus on the work that you do as an
9 SRD. So this requires administering the "documentary
10 proof of residence" law, correct?

11 A. Yes.

12 Q. So you're familiar with the law that requires
13 everyone to provide some form of documentary proof of
14 their residence?

15 A. Yeah.

16 Q. So what have you observed in terms of the impact of
17 that requirement on the students that you serve?

18 A. I think there was confusion because again you do have
19 a mixture of, like, Wisconsin students who are, like,
20 coming here their first time and not realizing, like, they
21 have to prove where they live.

22 And I know that, like, on my Wisconsin driver's
23 license it doesn't say, like, my own address and so that's
24 why you have to look it up on your *Student Center*. And
25 they can change it on their *Student Center*, but then also

1 there's still also confusion with that and it also slows
2 down the process, too, of trying to get as many people
3 registered to vote as possible. And so again, yeah,
4 there's a lot of confusion about that.

5 Q. Would you be able to put a sort of rough estimate on
6 how long it takes to register someone?

7 A. So -- and if I go back to, like, how we registered,
8 it definitely depends on the person and how prepared they
9 are and how confused they are. Again, me coming in as an
10 incoming freshman it was very confusing for me. Probably,
11 like, my first time, like, registering to vote it probably
12 took me, like, 30 minutes. And I think, like, after that
13 I realized there needs to be advising with this.

14 And so luckily I was involved in student government
15 where, like, people made this, like, a priority to, like,
16 educate people as much as possible where there's, like,
17 advising going on, like, this is the most efficient way to
18 do this, and things like that, and the acceptable, like,
19 materials needed to register and then also at the polls.

20 Q. Right. So you mentioned that your driver's license
21 does not reflect your current address; is that correct?

22 A. Yeah.

23 Q. And why is that?

24 A. So because I move quite a bit as a student.

25 Q. Okay. And how old is the address that it reflects?

1 A. So I had that address, like, last summer, so it
2 doesn't even reflect the address that I had even before
3 even this last year of living in the dorms.

4 Q. Okay. So you've moved several times --

5 A. Several times.

6 Q. -- over the last couple years basically?

7 A. Yeah.

8 Q. Would you say that a lot of students are in that
9 situation?

10 A. Absolutely. Students move all the time.

11 THE COURT: Let's just put a number on it; like,
12 once a year?

13 THE WITNESS: Once a year, oh, yeah, that's fair.

14 THE COURT: Yeah. I mean, maybe you might take a
15 summer sublet or something like that?

16 THE WITNESS: Yeah. That's what I did.

17 THE COURT: A typical way is you might live
18 somewhere different every year?

19 THE WITNESS: Oh, yeah.

20 THE COURT: Okay.

21 BY MR. MARTIN:

22 Q. How many times has your address changed since this
23 time last year?

24 A. Twice.

25 Q. Twice?

1 A. Yes.

2 Q. Okay.

3 THE COURT: How did you end up with two over the
4 course of --

5 THE WITNESS: So I have lived somewhere -- wait.
6 So this is, like, 2015? 2015, right?

7 BY MR. MARTIN:

8 Q. From May of 2015 until today.

9 A. Okay. So, okay, so, like, I lived in a dorm from --
10 like, in May 2015 I lived in a dorm and then I had a
11 summer sublet -- so that was a different address, but it
12 was in Madison -- and then a different dorm room the fall
13 semester as well.

14 Q. Right. Okay.

15 A. Yeah, so three times.

16 Q. Got it. So to stay current you have to update your
17 registration frequently?

18 A. Yeah.

19 Q. And you would say your fellow students have to do so
20 as well?

21 A. Yeah.

22 Q. Okay. You mentioned earlier you had a special table
23 for out-of-state students. Describe a little bit more
24 about the law as it pertains to them, the challenges that
25 you've seen in getting them registered to vote.

1 A. Yeah. I think, like, some students do not know that
2 they need proof of enrollment. So we ask them to
3 screenshot their *Student Center* to show that they're
4 involved in classes and that shows that they are a
5 student. But it is an additional barrier to them
6 considering that, like, Wisconsin students like myself are
7 a bit more privileged in the fact that we don't have to
8 have that proof of enrollment, we don't need the
9 additional materials, that we -- which might be
10 overlooked.

11 Q. Right. And you also help interact with new students
12 at the beginning of the school year and help register
13 them, like, at S-O-R (sic), I think it's called? What
14 does that stand for?

15 A. Oh, yes, SOAR, freshman orientation.

16 Q. Okay. Got it. And so at that point you're
17 interacting with students who are arriving on campus for
18 the first time, correct?

19 A. Yeah.

20 Q. How many of these have voted previously would you
21 say?

22 A. Not -- almost none.

23 Q. Almost none.

24 A. I come across almost none that have voted previously.

25 Q. So their interaction with you is one of the first

1 times in their life that they've engaged with the
2 political or voting process; is that fair?

3 A. Yeah.

4 Q. And would you say that those -- how would you
5 describe those students and their awareness of the
6 political process when you meet them?

7 A. So I think, like, I know for myself, like, I was
8 confused coming in as a freshman. Again there's a lot of
9 things going on at that time. And so, like, voting is --
10 because I came in at the time when there was the
11 governor's race going on.

12 And so registering to vote, I was like, what is the
13 most, like, accessible way for me to do this. And luckily
14 you did have special registration deputies. But I know
15 the absentee ballot, it took me almost, like, a year and a
16 half to even, like, learn, like, how to do that. It just
17 wasn't making a whole lot of sense to me. And I wanted
18 the most, like, accessible, efficient way.

19 Q. Right. Okay. And are students thinking about voting
20 when they interact with you? Are they seeking you out or
21 are you seeking them out?

22 A. So, like, the voter registration drives we hold,
23 we're seeking them out. But some students do seek us out.
24 It's a lot smaller than it is, like, when we're seeking
25 them out when we try to get people out to register to

1 vote.

2 Oftentimes I think, like, we do this on again, like,
3 weekdays and, like, times when students might be passing
4 to go get lunch or something. Like, I don't know if
5 anybody is familiar with East Campus Mall, but that has a
6 huge, like, traffic for students. And so trying to get as
7 many students up to, like, the Student Activity Center to
8 register to vote is like one of, like, something we've
9 tried to do. Some students don't have that on their mind
10 because of classes, because of their schedule, trying to
11 eat; all those things.

12 Q. How many students would you say you personally have
13 registered?

14 A. I've registered over 100 students for sure.

15 Q. And are you aware that you cannot become a statewide
16 registration deputy?

17 A. Yeah.

18 Q. And if that option were available to you would you
19 use it?

20 A. Yes.

21 Q. And where would you go, beyond Madison and the
22 campus, if you could be a statewide special registration
23 deputy?

24 A. So, like, I do live in Racine, too. So I think it
25 would be awesome during the summer to be able to register

1 people in Racine. And then also I think, like, if that
2 existed I would love to register people, like, across the
3 state if, like, I had transportation to do so. And I
4 would also go probably to lower income communities because
5 they have less accessible ways to register to vote,
6 whether it be transportation or Internet access.

7 Q. Right. And would you say that you know people who
8 have faced those difficulties in registering in Racine
9 where you went to high school?

10 A. So I personally can't say that, like, I've had this
11 conversation with somebody at, like, 17 years old because
12 we weren't legal to vote at that age --

13 Q. Fair enough.

14 A. -- so it's, like, we didn't really talk about it.
15 But I can absolutely tell you that when I was a player on
16 the basketball team that there were significant challenges
17 for students to find access to the Internet, but, I mean,
18 our library. So that was, like, some students used the
19 library. But, yeah, there wasn't Internet access.

20 Q. Right. And you mentioned earlier absentee voting --

21 A. Yeah.

22 Q. -- right? And are you aware that there are two forms
23 of absentee voting in Wisconsin, one you can do in person
24 before Election Day and the other is by mailing in an
25 absentee ballot --

1 A. Right.

2 Q. -- is that right? And are you aware that the state
3 currently limits the availability of the in-person option
4 to two weeks before an election?

5 A. Right. Okay.

6 Q. And it also has prohibited early voting in person on
7 weekends?

8 A. Right.

9 Q. Based on your experience with the hundreds of
10 students that you've interacted with, would weekend early
11 voting be an attractive option for them?

12 A. Yeah. It would be an incredibly attractive option
13 for them given the busy schedules that people have. Even
14 in my own schedule, like, random things do come up and
15 meetings that I have to absolutely go to. Again, being
16 available to students as a Grassroots Committee chair is a
17 number-one priority.

18 And so I know that, like, I wasn't able to vote in
19 the February 16th elections. And so those were the
20 Supreme Court primaries. And it was, like, it wasn't
21 something that I had planned. But then looking at my
22 schedule I had, like, back-to-back, like, classes. And
23 then I had meetings that ended up going longer than I
24 expected and I didn't end up getting to the polls. So
25 that was something I wasn't planning on happening, but it

1 did happen. And so if I was able to have more time -- I
2 had more time on a Saturday. If I was able to go that,
3 that would work.

4 Q. Right. So describe for me the day of the February
5 primaries that you were unable to vote.

6 THE COURT: I don't think we need to go into the
7 details.

8 MR. MARTIN: Fair enough.

9 THE COURT: We've already established she's a
10 very busy woman, so I appreciate that. Point made.

11 BY MR. MARTIN:

12 Q. Got it. And based on your experience with the
13 students you interact with, do you think some would find
14 themselves in a similar situation?

15 A. Absolutely.

16 Q. Yeah. Now, as we discussed earlier, it's also
17 possible to mail in an absentee ballot, right?

18 A. Mm-mm.

19 Q. Do you think that that's an adequate substitute or
20 alternative for something like voting on a weekend?

21 A. Personally, no. I think, like, again I'm always
22 looking at what is the most efficient and convenient way
23 given my schedule. And again, like, it took me a long --
24 like, somebody coming in and not ever, like, knowing the
25 process of registering to vote, you have to first know

1 about that process and you have to know where to go to
2 find out that process. And I'm not even coming from a
3 different state, too, so I can't even imagine an
4 out-of-stater and what they might feel like.

5 And then learning about the process and then learning
6 that there is a time lag between the request and then
7 getting back the ballot is also, like, an issue, too;
8 because not all the time do, like, students check their
9 mailboxes, too; which again, like, might seem like, oh,
10 no, this is something you have to do. But given the
11 schedule students have, that's not always feasible, too,
12 and so things, like, you just forget. And it's, like,
13 sort of a process becoming longer and longer and less
14 convenient for students and easily, like, overlooked, too.

15 Q. Right. And so would you say that for mailing in an
16 absentee ballot to be feasible the person first has to
17 know about the option, right?

18 A. Yes.

19 Q. And then they have to be thinking about it
20 sufficiently in advance of the election to engage with
21 that process?

22 A. That's absolutely true. I think, like, I didn't
23 really know about the absentee ballot until, like, coming
24 and being actively involved in vote in the student
25 government. That is when I learned about it. And so if

1 you're not -- you might not -- you might not be thinking
2 about it unless you have parents that are very educated on
3 these things, which is again an assumption that not
4 everyone can make.

5 Q. And for the students you interact with, do you get
6 the sense that they're familiar with this option or not?

7 A. No. The students that I have interacted with about
8 absentee ballot didn't really know about absentee ballot.

9 Q. Either mail-in or --

10 A. They didn't know about mail-in ballot, yeah.

11 Q. Got it. Earlier you described some confusion that
12 you yourself had experienced in learning about the
13 absentee ballot process?

14 A. Yeah.

15 Q. What was that confusion?

16 A. I didn't really know what it was. Like, to me, like,
17 voting is a right. And so, like, accessibility, to me,
18 was, like, there's going to be somebody that I can go to
19 that's going to register me to vote and then at the time
20 then I'll just go to the polls and vote and then without
21 these additional materials. But then the absentee ballot,
22 like, it didn't even occur to me that that was an option
23 that I really had.

24 Q. And are you familiar with the mail-in absentee ballot
25 process now?

1 A. I am now, yeah, and that was, like, currently.

2 Q. And can you describe very briefly what that is?

3 A. So, like, from my understanding, the absentee ballot
4 is when you send a request. So you have an application,
5 you send the application to the City Clerk's Office. And
6 then there's a time where -- and you can send it by e-mail
7 if you want or by mail, by fax. And then you can send it
8 back and then you get a ballot back in the mail and then
9 you fill that out and then you send it back to the City
10 Clerk's Office.

11 Q. Right. And do you have to attach a photocopy of your
12 ID?

13 A. Yeah. So there are additional materials as well, so
14 you have to be knowledgeable of that.

15 Q. Right. And you have to obtain a witness signature?

16 A. You have to obtain a witness signature, which is
17 something that I have overlooked too and I think students
18 that are not, like, educated on this would overlook as
19 well.

20 MR. MARTIN: Fair enough. Just a couple more
21 questions, Your Honor.

22 THE COURT: All right. Sounds good.

23 BY MR. MARTIN:

24 Q. You mentioned Union South earlier?

25 A. Yeah.

1 Q. And is Union South where you can go obtain a student
2 ID compliant with the Voter ID law; is that right?

3 A. Yeah.

4 Q. Okay. And so what did you observe on campus about
5 students obtaining a "Voter ID law compliant" ID in this
6 past April election?

7 A. Okay. So there were special hours at Union South for
8 students to go obtain a photo ID that was Voter ID
9 eligible, so that was great. And again it was again
10 finding -- students have to find time in their schedule to
11 do that. So students that weren't able to find time in
12 their schedule, there was a machine that was at Gordon
13 Dining Hall that is kind of a central location for food
14 for students. And there was voting going on there and
15 there was also this machine to print out photo IDs. But
16 it broke down, so some students were not able to obtain
17 their photo ID there.

18 Q. And were students having to go attempt to vote then
19 realizing they had the wrong ID and then trying to go into
20 Union South or this other place?

21 A. So I had not heard of that. I know that going back
22 to, like, what I was saying about the machine, like, when
23 that broke down, I know that students -- they had to go
24 back to -- they had to go to Union South and then to
25 Gordon Hall to vote.

1 Q. Finally, you mentioned that you and your peers tend
2 to move a lot. Do you think it would be beneficial to you
3 if each time you moved your new landlord provided you a
4 registration form as part of your lease materials?

5 A. Yeah, I think that would be very beneficial. I think
6 students would find that to be way more accessible and
7 something that, like, they don't have to go search for
8 when you may not know where to get it from because they're
9 new to campus and they have other things on their mind or
10 they just aren't thinking about it until it, like, comes
11 to the last minute, which, I mean, again if you have a lot
12 of time on your hands it might be something, like, common
13 sense, but again to students who are incoming freshman
14 it's not. And so I absolutely believe that would be more
15 feasible and accessible for students.

16 MR. MARTIN: That's all I have.

17 THE COURT: Just a couple of clarifications
18 before the I turn you over to your cross-examination. But
19 first, just in terms of the scheduling, I don't know who's
20 got the cross here.

21 MS. SCHMELZER: I do, Judge.

22 THE COURT: How long do you anticipate your
23 cross-examination going?

24 MS. SCHMELZER: 15, 20 minutes.

25 THE COURT: Why don't we pick up the cross

1 tomorrow then. You're here in Madison, right?

2 THE WITNESS: Yep, only for tomorrow.

3 THE COURT: Only for tomorrow?

4 THE WITNESS: Yeah.

5 THE COURT: Then you're going somewhere else?

6 THE WITNESS: Yeah. I'm going to Racine.

7 THE COURT: I'm glad you're here tomorrow so we
8 can take half an hour of your life tomorrow morning
9 starting at eight. Before you go tonight, while I've got
10 my thoughts in mind, I think you made several references
11 to the *Student Center*. That's an area on the University
12 of Wisconsin website where you can get your personal
13 information about your account and your relationship with
14 the University; is that right?

15 THE WITNESS: Okay. So the *Student Center* --
16 yes, okay -- so the *Student Center* is on *My UW*, which is,
17 yeah, your personal account. And they kind of did a new
18 weird design with it, so that was confusing to students.
19 But, yes, that is --

20 THE COURT: That's what it is.

21 THE WITNESS: Yeah.

22 THE COURT: And then is it an acceptable form of
23 documentation of your residency --

24 THE WITNESS: Yeah.

25 THE COURT: -- to do a screen capture of your

1 account information on the *Student Center*?

2 THE WITNESS: Yeah. I mean, usually, like, when
3 we're registering students to vote, they don't have it,
4 like, screenshotted. But we pull it up on the laptop and
5 then we verify their address and make sure it's their
6 current address that they're living at right now. And so,
7 yeah, that counts.

8 THE COURT: So you don't need to get it mailed to
9 you or anything; you can just do a screenshot of it right
10 there and then that's what you can use to verify your
11 residence for voter registration?

12 THE WITNESS: Yeah.

13 THE COURT: And you can update it online, more or
14 less, live; is that right?

15 THE WITNESS: Yeah.

16 THE COURT: Okay. All right. Good. Let's call
17 it a day. We will start with Ms. Gosey right at eight
18 o'clock. Before we adjourn, let me just give you a
19 heads-up on our calendar for tomorrow.

20 We'll start at eight and we'll go to six as per
21 usual. But during the middle of the day I have two
22 proceedings that I have to take care of at 11 and 11:30.
23 So we will take our lunch break from 11 to 12:30 on
24 Tuesday, tomorrow. And then because that's a little bit
25 early for lunch, we'll try to build in two shorter

1 afternoon breaks so we don't have to make it a real
2 endurance contest. If we can make it all the way to
3 eleven o'clock without a break that would be great. But
4 sometimes doing that in the morning is cruel and unusual
5 punishment. We'll play that one by ear.

6 But, anyway, that's our overall schedule for
7 tomorrow. We'll see you all tomorrow at eight.

8 MR. SPIVA: Thank you, Your Honor.

9 MS. WILSON: Thank you.

10 (Adjourned at 6:10 p.m.)

11 ***

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I, CHERYL A. SEEMAN, Certified Realtime and Merit
2 Reporter, in and for the State of Wisconsin, certify that
3 the foregoing is a true and accurate record of the
4 proceedings held on the 16th day of May, 2016, before the
5 Honorable James D. Peterson, of the Western District of
6 Wisconsin, in my presence and reduced to writing in
7 accordance with my stenographic notes made at said time
8 and place.

9 Dated this 7th day of June, 2016.

10
11
12
13
14
15 _____ /s/

16 Cheryl A. Seeman, RMR, CRR
17 Federal Court Reporter
18
19
20
21
22

23 The foregoing certification of this transcript does not
24 apply to any reproduction of the same by any means unless
25 under the direct control and/or direction of the
certifying reporter